

DEC 21 2000

WC-15J

**CERTIFIED MAIL 7099 3400 0000 9597 1247**  
**RETURN RECEIPT REQUESTED**

Mr. Thomas O. Shepker  
Manager, Environmental Control  
WCI Steel, Inc.  
1040 Pine Avenue SE  
Warren, Ohio 44483-6528

Subject: Draft Work Plan for Pond 6A  
Draft Work Plan for Pond 6  
Civil Action No. 4:95 CV 1442

Dear Mr. Shepker:

EPA's RCRA program was recently advised by the Ohio Environmental Protection Agency (OEPA) that a Notice of Deficiency referencing the proposed work plans for Ponds 6 and 6A was issued by OEPA to WCI. Under the terms of WCI's June 4, 1999 consent decree with the United States (paragraph 25), WCI's work plans must conform to the requirements and specifications required by the OEPA, in addition to submitting the work plans to this Agency for approval. A Notice of Deficiency indicates that WCI is not in compliance with requirements of the consent decree. As you know, during the recent RCRA case, WCI specifically argued to the Court that it could and would meet its RCRA hazardous waste closure obligations within the context of the water consent decree. Therefore, we contend that the consent decree requires work plans which conform to OEPA requirements and specifications.

In addition, I ask that you keep the Water Division apprized of the status of OEPA's approval of the work plans, which includes providing us with copies of all correspondence from and to the State and revisions of the proposed work plans. We have repeatedly requested WCI's cooperation in assuring that there be a clear understanding among the parties as to which parties are involved, what obligations are outstanding, what work is being proposed and what obligations will be satisfied by the completed work to reach a solution which is consistent with the provisions of water consent decree as well as other applicable federal and state regulations.

Ihsan Eler of my staff is looking forward to receiving the revised work plans and working towards a final solution to the long-standing ponds issues. The Water Division has also

advised Daniel Patulski of the RCRA corrective action staff to expect calls from you or your consulting engineers. Your cooperation in this matter is appreciated. If you have any questions, please do not hesitate to contact me at (312)886-6753 or Mr. Eler at (312)886-6249.

Sincerely yours,

Thomas L. Bramscher, Chief  
Enforcement Section 1

cc: Pamela Allen, OEPA

bcc: Joseph Boyle, Chief, RCRA Compliance  
Paul Little, Section Chief, RCRA Compliance ✓  
Daniel Patulski, Corrective Action  
Michael Beedle, RCRA Compliance  
Deirdre Tanaka, ORC  
Nicole Cantello, ORC  
Bramscher

JB, 12/21/00



December 15, 2000

Branch Chief  
Water Division, Compliance Section  
U.S. Environmental Protection Agency  
Mail Code WC-15J  
77 West Jackson Boulevard  
Chicago, IL 60604


Re: Consent Decree, CIVIL ACTION No. 4:95 CV 1442, **Comprehensive Wastewater Systems Evaluation Report**

As required by paragraph 15. of the Decree, WCI STEEL INC. (WCI) hereby submits our report for the Comprehensive Wastewater Systems Evaluation. This report was reviewed and approved by Chester Engineers and Amendola Engineering.

WCI Steel is in the process of implementing the recommendations in accordance with the schedule in the report and the requirements in the Decree and shall update U.S. EPA in the quarterly Consent Decree reports on the progress of this implementation.

I certify under penalty of law this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine, imprisonment, or both, for knowing violations. See, e.g., 18 U.S.C. § 1001.

Sincerely,

  
Thomas O. Shepker  
Manager,  
Environmental Control

RECEIVED

DEC 20 2000

Water Enforcement &  
Compliance Assurance Branch  
U.S. EPA, Region 5

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December 12, 2000

Mr. Thomas O. Shepker  
Manager, Environmental Control  
WCI Steel, Inc.  
1040 Pine Avenue, S.E.  
Warren, OH 44483-6528

Dear Mr. Shepker:

Re: Consent Decree, Civil Action No. 4:95 CV 1142  
Comprehensive Waste water Systems Evaluation

We have reviewed the Chester Engineers final report for the Comprehensive Wastewater Systems Evaluation dated December 2000, and we concur with the report findings.

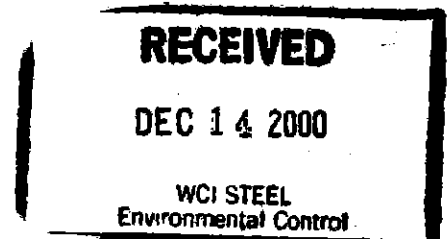
As part of this project, Amendola Engineering participated in interviews with WCI Steel personnel and in the field portions of the evaluation. We believe the final report reflects accurately the results of the comprehensive evaluations conducted at the wastewater treatment systems for the steelmaking operations (basic oxygen furnaces, vacuum degassing operations), the 56" hot strip mill and steel finishing operations.

Sincerely yours,



Gary A. Amendola, P.E.

cc: Keith A. Benson, P.E.  
Chester Engineers





WCI Steel, Inc.  
Warren, Ohio

**Consent Decree, Civil Action No. 4:95 CV 1442**

**Comprehensive Wastewater Systems Evaluation  
Summary Report**

December 2000

Prepared by: Keith A. Benson, P.E.

Approved by: Charles D. Blumenschein, P.E., DEE

Project No. 5605-09



**CHESTER  
ENGINEERS**

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## COMPREHENSIVE WASTEWATER SYSTEMS EVALUATION SUMMARY REPORT EXECUTIVE SUMMARY

This report presents the results of a Comprehensive Wastewater Systems Evaluation (CWSE) at the WCI Steel, Inc. (WCI) facility in Warren, Ohio. The evaluation was completed in accordance with the requirements outlined in Paragraphs 12 through 18 of WCI's Consent Decree (Civil Action No. 4:95 CV 1442) filed June 4, 1999.

The Consent Decree required WCI to submit to the U.S. Environmental Protection Agency (EPA) a draft work plan for conducting the CWSE not later than 120 days from the date of entry of the Consent Decree (June 4, 1999). WCI submitted the *Comprehensive Wastewater Systems Evaluation Draft Work Plan* to the EPA on September 23, 1999. WCI received a written comment letter on the draft work plan from the EPA on December 14, 1999. A revised draft work plan was submitted on February 3, 2000 to address the EPA's comments. WCI received a "no comment" letter from the EPA on May 5, 2000 which was interpreted as the CWSE trigger date as outlined in Paragraph 13 of the Consent Decree. The Consent Decree required completion of the CWSE work in 13 months from the trigger date.

As required by the Consent Decree, the objectives of the CWSE are as follows:

- To ensure all process waters and process wastewater are directed to the appropriate process water or process wastewater treatment system.
- To identify potential overflow and bypass points for each process water and process wastewater treatment and collection system and to develop or refine operating practices and monitoring systems to eliminate, or minimize to the maximum extent practicable, overflows and bypasses and unauthorized discharges during, but not limited to, periods of normal operation, during process startups, during process shut downs, and during periods of wet weather operation. The investigation of subsurface leaking, seepage, or migration of pollutants to soil or groundwater shall not be included in the evaluation.
- To assess compliance with the terms of the current NPDES permit applicable to the Warren Plant including effluent limitations and monitoring requirements, compliance schedules, special conditions and contract laboratory operations with respect to 40 CFR Part 136 requirements.
- To identify outfall(s) in addition to Outfalls 006, 007, 008, and 013, if any, where visible oil is observed for inclusion in the VOCAMP as designated outfalls.

The Consent Decree required submittal of a summary report on the CWSE no later than 14 months from the trigger date. This report presents a summary of the CWSE findings, conclusions based on monitoring data, recommendations, and a schedule for implementation of corrective actions.

Based on the results of the CWSE, the following conclusions were developed:

- The results of the dye testing for the BOF and continuous caster systems indicated that there was a cross connection contributing an estimated 1 gpm of flow to Outfall 011. The cross connection was identified as leaking seals on the BOF flight conveyor pumps which enter floor drains to the Outfall 011 sewer.
- There is a potential for runoff from the scale staging area at the caster to drain into the storm sewer if the scale is piled outside the staging area.
- Dye testing of the finishing mills wastewater collection systems indicated that there are no cross connections of the process wastewater systems with NCCW or storm water outfalls.
- The rolling solution NCCW recirculation systems in the finishing mills discharge NCCW to the CTP with the exception of the Tandem Mill. The rolling solution in the Tandem Mill is cooled through a heat exchanger that discharges NCCW to Outfall 007. This heat exchanger has leaked oil in the past due to a defective seal. The seal was repaired in the mid 1990's and has not leaked since.
- Dye testing of the 56" Hot Strip Mill recycle system indicated that there are no cross connections of the process wastewater systems with NCCW or storm water outfalls.
- The potential overflow and bypass points for the systems included in the CWSE include the emergency overflows from the No. 9 Pump Station (Outfall 606) and the No. 6 Pond (Outfall 009). These overflow points are required to prevent flooding of the mills in the event of a pump failure and are listed in WCI's NPDES Permit. There are alarms to notify the operators of a high level condition at these locations.
- Visible oil was not observed at any of the outfalls associated with the CWSE that are not currently included in WCI steel's VOCAMP. Visible oil has never been observed at Outfall 013 which is included in WCI's current VOCAMP. Therefore, Outfall 013 should be removed from the VOCAMP.

The following recommendations were developed as a result of the CWSE:

- Implement best management plans to ensure that the scale from the caster scale pit is staged in the proper area and removed on a weekly basis to reduce the potential for runoff into the storm sewer.
- Redirect the floor drains in the BOF flight conveyor pump rooms to drain back into the flight conveyor sumps.

- Inspect and pressure test Tandem Mill rolling solution heat exchanger annually to detect any potential leaks.

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# **COMPREHENSIVE WASTEWATER SYSTEMS EVALUATION**

## **SUMMARY REPORT**

### **SECTION 1**

### **INTRODUCTION**

This report summarizes the results of a Comprehensive Wastewater Systems Evaluation (CWSE) at WCI Steel's facility in Warren, Ohio. The CWSE was completed in accordance with the requirements outlined in Paragraphs 12 through 18 of WCI's Consent Decree (Civil Action No. 4:95 CV 1442). The CWSE work was completed by Chester Engineers in collaboration with Amendola Engineering and WCI Steel in accordance with the *Comprehensive Wastewater Systems Evaluation Draft Work Plan* dated August 1999 and Revised January 2000.

The objectives of the CWSE included identifying potential overflows, bypasses, or cross-connections of wastewater or process water with non-contact cooling water (NCCW) or storm water systems. The systems involved in the evaluation included the following:

- Blowdown from the vacuum degasser process water treatment and recycle system
- Blowdown from the continuous caster process water treatment and recycle system
- BOF gas conditioning water system
- Hot strip mill process water treatment and recycle system tributary to Outfall 603
- Wastewater collection and wastewater piping systems for the finishing mills area
- Treatment systems for the reuse or recycle of cold rolling solutions
- Central Treatment Plant (CTP) tributary to Outfall 602

The scope of work that was completed for the CWSE consisted of the following tasks:

- Reviewed Process Water Treatment and Recycle Systems
- Conducted Dye Tracer Testing
- Identified Potential Overflow and Bypass Points
- Assessed Compliance with Current NPDES Permit
- Identified Outfalls Where Visible Oil was Observed for Inclusion in VOCAMP
- Prepared CWSE Summary Report

The CWSE was completed in three phases due to the size and complexity of the wastewater collection and treatment systems involved. The three phases included the following:

- Phase 1 – Continuous Caster, Vacuum Degasser, and BOF Systems Evaluation

- Phase 2 – Wastewater Collection Systems for Finishing Mills, Rolling Solution Systems, and Central Treatment Plant
- Phase 3 – 56" Hot Strip Mill Treatment and Recycle System

Each phase of work is described in detail in the following sections.



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# **COMPREHENSIVE WASTEWATER SYSTEMS EVALUATION SUMMARY REPORT SECTION 2 SYSTEM EVALUATION**

## ***PHASE 1 – CONTINUOUS CASTER, VACUUM DEGASSER, AND BOF SYSTEMS EVALUATION***

A thorough review of Continuous Caster, Vacuum Degasser, and BOF process water systems was completed. This review was conducted to verify that all process waters and wastewaters are directed to the appropriate treatment systems. Existing process flow diagrams, recycle system piping plans, sewer collection systems, and operating data for each of the process water and wastewater systems were reviewed. In addition, interviews were held with WCI personnel who are familiar with the water and wastewater systems and physical inspections of each system were completed to verify the accuracy of the existing data.

Figure 1 presents a simplified process flow diagram of the caster spray water (System 3) and vacuum degasser (System 4) based on the information obtained. Process wastewater from the caster spray water system and flume flush water is collected and conveyed to an interceptor pit. The wastewater is pumped from this pit to a scale pit. A portion of the water is recycled directly from the pit to the caster flumes to flush out scale. The spray water is pumped from the scale pit and passed through pressure filters and a cooling tower before reuse. The filter backwash is collected in a tank and transferred to a clarifier. The clarifier effluent is returned to the interceptor pit. Sludge from the clarifier is periodically removed from the clarifier and hauled to the dry ponds adjacent to the No. 5 Pond.

Scale is removed from the scale pits with a crane and clamshell. The scale is piled in a staging area adjacent to the pit. This area is sloped to allow water to drain back into the pit. There is a potential for drainage to enter a storm sewer catch basin if the scale is piled outside of the staging area. This was not observed during the CWSE. However, it is recommended that best management plans be implemented to ensure that the scale is staged correctly and removed on a weekly basis.

The blowdown from the caster spray water system is directed from the cold well pumps to the BOF flight conveyor pits. The blowdown rate is based on the spray water system conductivity and typically averages around 70 to 80 gpm. Makeup water is added to the scale pit on demand from the service water system. The spray water system also receives makeup from blowdown and leaks from the caster mold and machine NCCW systems (Systems 1 and 2) and the vacuum degasser system.

The vacuum degasser recycle system consists of a cooling tower with side-stream pressure filtration. The water is recirculated through the vacuum degasser steam ejectors and condensers. The blowdown from this system is directed to the caster spray water pit as needed to control conductivity.

Based on the design drawings and physical review of the caster and vacuum degasser systems, all of the process drains and vessel overflows drain back to the interceptor pit. There are no potential bypass or overflow points to the storm water and NCCW outfalls in the area.

Figure 2 presents a process flow diagram of the BOF gas cleaning system. Water is sprayed into the BOF evaporation chambers and vessel hoods to cool the gases and remove large particles prior to entering the dry precipitator. The dirty water is collected in flight conveyor pits (one for each BOF vessel). The blowdown from the caster spray water system provides makeup to the flight conveyor pits at 70 to 80 gpm. Service water is also added to supplement the makeup as needed. Each pit is equipped with two transfer pumps to convey the dirty water to the Central Treatment Plant (CTP). These pumps are activated based on level in the pits. The emergency overflow pipes that were originally on the pits were removed and sealed prior to WCI ownership of the facility. These overflows were directed to the Outfall 011 sewer. Currently, if the flight conveyor pits were to overflow, the water would be collected in sumps below each of the pits. The sumps are equipped with sump pumps to transfer the water back to the flight conveyor tanks. Sludge is removed from the flight conveyors and deposited in collection pits. The sludge is periodically hauled to a sinter plant.

Based on a review of the BOF gas cleaning system, the only potential cross connection with the Outfall 011 sewer is the floor drains in the flight conveyor pump rooms. The pump seals leak during operation and the water is collected in floor drains that are connected to the Outfall 011 sewer.

### **Dye Tracer Testing**

A dye tracer study was conducted for the caster spray water, vacuum degasser, and BOF gas cleaning systems to confirm that there are no cross connections between the process water, NCCW, and storm water systems. The dye testing was conducted simultaneously for the three systems since each system discharges in a cascade manner to the BOF prior to discharging to the CTP.

The dye tracer testing was conducted using a fluorescent tracer (Rhodamine WT) from June 20 to 21, 2000. The minimum detection limit for Rhodamine is 0.5 µg/L which is significantly lower than the 0.10 mg/L detection limit indicated in the CWSE Draft Work Plan. Therefore, the target system concentration was lowered from 50 to 5 mg/L for the testing to provide the minimum cross flow detection at the outfalls as indicated in the CWSE Draft Work Plan. Using a lower dye concentration was also beneficial in reducing the risk of serious discoloration of the Mahoning River through the CTP effluent and Outfall 013. Rhodamine can be detected visually

at concentrations above 0.10 mg/L. The Rhodamine concentration in the CTP effluent would be diluted to approximately 0.25 mg/L at the average flow rate of 1.5 MGD. However, since the CTP effluent combines with Outfall 013 with flow in excess of 30 MGD from the Blast Furnace NCCW, the Rhodamine would be diluted to about 0.01 mg/L which would not be visible.

Based on a review of the facility sewers, the outfalls that potentially could be cross-connected with the BOF, Vacuum Degasser, and Continuous Caster process systems include Outfall 010, Outfall 011, and Outfall 012. Figure 3 (WCI Dwg. No. 112700-A) presents a facility site plan showing the locations of the plant sewers and outfalls.

The minimum process water cross connection flows that could be detected for the outfalls were estimated using a Rhodamine concentration of 5 mg/L in the systems and minimum detection limit of 0.5 µg/L. The following table presents the estimated minimum flow of process water that would be detectable at the outfalls.

Outfall	Outfall Average Flow (gpm)	Minimum Detectable Cross Connection Flow (gpm)
010	220	0.02
011	475	0.05
012	145	0.01

The flow rates for Outfalls 010 and 011 were taken from WCI Steel's flow meters during the start of the dye testing. The flow rate for Outfall 012 was taken from the 1994 NPDES permit application since this outfall was not equipped with a flow meter. The flow rate of 145 gpm appears to be conservative based on a visual estimate of the Outfall 012 flow.

Prior to slug feeding the Rhodamine into the recycle systems, background samples were taken from each system. In addition, background samples were collected from Outfalls 010, 011, 012, and the No. 2 Intake Pump House which supplies service water to these areas.

Composite samplers were installed at Outfalls 010, 011, 012 and the No. 2 Pump House following Rhodamine addition. The samplers were set to collect samples every 30 minutes over a 24-hour period. In addition, grab samples were collected from the caster spray system and vacuum degasser system at approximately 2 hours and 20 hours after dye addition to verify the dye concentrations. A grab sample was also collected from the Outfall 011 sewer immediately downstream of the caster approximately 3 hours after dye addition. All samples were submitted to an independent laboratory to be analyzed for Rhodamine.

The following table summarizes the sample results. The laboratory reports are included as Appendix A.

Sample Location	Background	Following Rhodamine Addition
No. 2 Pumphouse Intake (Composite)	<0.5 µg/L	<0.5 µg/L
Vacuum Degasser System 4 (Grab)	<0.5 µg/L	2,290 µg/L (2 hrs) 144 µg/L (20 hrs)
Caster Spray Water System 3 (Grab)	<0.5 µg/L	1,640 µg/L (2 hrs) 103 µg/L (20 hrs)
BOF No. 1 Flight Conveyor (Grab)	<0.5 µg/L	-
BOF No. 2 Flight Conveyor (Grab)	<0.5 µg/L	-
Outfall 010 (Composite)	<0.5 µg/L	<0.5 µg/L
Outfall 011 (Composite)	<0.5 µg/L	1.8 µg/L
Outfall 012 (Composite)	<0.5 µg/L	<0.5 µg/L
Outfall 011 Manhole (Grab)	---	0.9 µg/L

The starting Rhodamine concentrations for the recycle systems were lower than the target of 5 mg/L. This may be due to dye loss from residual chlorine in the recycle systems. Sodium hypochlorite is added to the recycle systems to control biological growth. Literature on the Rhodamine dye indicates that chlorine will react with the dye and reduce the concentration. This may explain why the system concentrations were reduced about 15 fold after only 20 hours.

The composite sample collected from Outfall 011 had a Rhodamine concentration of 1.8 µg/L and the grab sample from the Outfall 011 manhole had a concentration of 0.9 µg/L. The potential volume of process water required to contribute 1.8 µg/L to Outfall 011 was estimated at about 0.9 gpm using an average system concentration of about 1,000 µg/L and outfall flow rate of 475 gpm. The flow rate at the Outfall 011 manhole was not measured so a precise estimate of the potential volume of process water at that location could not be determined.

The source of the process water at Outfall 011 is believed to be from leaking pump seals on the BOF flight conveyor pumps. As mentioned previously, the pump seals leak into floor drains in the pump rooms that connect with the Outfall 011 sewer. The seal leaks were visually estimated at less than 1 gpm. This agrees closely with the flow rate as estimated by the Rhodamine concentration at Outfall 011.

The pump room floor drains discharge downstream of the Outfall 011 manhole sample that had a 0.9 µg/L Rhodamine concentration. During a subsequent site visit, no potential sources of process water cross connections to this manhole were identified. This sewer receives storm water runoff from the caster area along with ground water and air conditioner cooling water. The dye concentration of 0.9 µg/L at the Outfall 011 manhole is believed to be due to background interference or sample contamination. A background sample was not collected from this manhole prior to adding the dye.

## ***PHASE 2 - WASTEWATER COLLECTION SYSTEMS FOR FINISHING MILLS AND CENTRAL TREATMENT PLANT***

Figure 4 presents a flow diagram of the collection system for the finishing mills. Process wastewater from the finishing mills is collected in several lift stations and pumped to a bosh box from which the wastewater flows by gravity to the No. 5 Pond. Residual oil is skimmed from the No. 5 Pond and the wastewater overflows to the No. 6 Pond. The wastewater is pumped from the No. 6 Pond to the CTP. The CTP process consists of neutralization with lime, clarification, and sludge dewatering. The clarifier effluent is discharged to Outfall 602.

A thorough review of the process wastewater collection system for the finishing mills was completed. The evaluation consisted of reviewing existing sewer drawings, interviewing plant personnel, and physical observations of the sewer collections systems. All process, NCCW, and storm water outfalls associated with the finishing mills were investigated.

### ***Dye Tracer Testing***

Dye testing of the finishing mill wastewater collection system was conducted on July 11, 2000 to confirm that there are no cross connections with the NCCW and storm water outfalls in the vicinity of the finishing mills. This was accomplished by metering Rhodamine dye into the main process sewers at three locations. These points are identified on Figure 3. Rhodamine dye was metered into each of these locations at a rate to achieve approximately a 5 mg/L concentration in the sewers based on estimated flow rates. The minimum potential cross flow connections that could be detected at the river outfalls associated with the finishing mills were calculated using historical flow rates and the detection limit of 0.5 µg/L for Rhodamine. The following table presents the minimum detectable flow rates:

Outfall	Outfall Average Flow (gpm)	Minimum Detectable Cross Connection Flow (gpm)
003	660	0.07
006	5	0.0005
007	1,740	0.17
008	4,880	0.49
052	N/A	N/A
053	N/A	N/A
056	N/A	N/A
060	N/A	N/A

Outfalls 052 through 060 in the above table receive storm water runoff and ground water. These outfalls had dry weather flow during the dye testing. Flow rates were not determined at Outfall 052 and 053 because the flow was too low to measure and Outfall 056 was not measured because the discharge is partially submerged at the river. Outfall 060 was not measured since this stream has no association with the finishing mills.

The dye was metered into each of the three locations simultaneously over a 6 hour period. Background grab samples were collected at each of the dye input points prior to starting the test. After starting the dye injection, grab samples were collected at 2-hour intervals from locations along the process sewer and all NCCW and storm water outfalls associated with the finishing mills that had flow during the testing. The grab samples were composited into one sample for laboratory analyses for Rhodamine.

The following table presents the sampling locations and results for the finishing mill dye study.

Sample Location	Background Sample	Following Tracer Addition
3 & 4 Pump House Intake (Outfall 016)	<0.5 µg/L	<0.5 µg/L
Dye Input Point 1 (Terne Line)	<0.5 µg/L	--
Dye Input Point 2 (Tandem Mill Sump)	4.0 µg/L	--
Dye Input Point 3 (Outfall 005 Pit)	3.6 µg/L	--
Dye Sample Point 1	<0.5 µg/L	2,330 µg/L
Dye Sample Point 2	1.1 µg/L	337 µg/L
003	<0.5 µg/L	<0.5 µg/L
006	<0.5 µg/L	<0.5 µg/L
007	<0.5 µg/L	<0.5 µg/L
008	<0.5 µg/L	<0.5 µg/L
052	<0.5 µg/L	<0.5 µg/L
053	<0.5 µg/L	<0.5 µg/L
056	<0.5 µg/L	<0.5 µg/L
060	<0.5 µg/L	<0.5 µg/L
602	<0.5 µg/L	<0.5 µg/L

Rhodamine was detected at low concentrations in background samples collected from input locations 1 and 2, and the sewer sample point 2. The background concentrations are likely due to the high concentrations of oil and grease in the wastewater at these locations. According to literature on Rhodamine, certain oils may produce fluorescence at the same wavelength as Rhodamine. The sample results show that dye was not detected in any of the samples collected from the NCCW or storm water outfalls associated with the finishing mills.

The composite samples taken from sample points 1 and 2 showed that the Rhodamine concentrations were lower than expected following dye addition. This may be due to the collection of the first set of grab samples prior to when the dye reached the sample locations. The travel time in the sewers was longer than expected due to collection sumps along the lines.

If the first grab samples were collected before the dye reached the location, the final sample would be diluted since the grab samples were combined prior to analyses. In addition, literature on the Rhodamine dye indicates that the dye concentration may be reduced under acidic conditions as present in the pickling line wastewater.

Dye was not detected in the Outfall 602 sample (CTP effluent). This is believed to be due to the long holding time in the No. 5 and 6 ponds. Samples were only collected for six hours following the start of the dye test. The current volume of the No. 5 and 6 ponds is unknown, but the hydraulic retention time is expected to be greater than 4 hours. In addition, the hydraulic retention time of the CTP clarifier and reaction tanks is greater than 3 hours at an average flow of about 1,000 gpm.

Based on the results of the finishing mill collection system evaluation and dye testing, there are no cross connections of process wastewater with the NCCW or storm water outfalls.

### **Rolling Solution Recirculation Systems**

During the review of the finishing mill area, the rolling solution NCCW systems that discharge NCCW directly to the river outfalls were identified and inspected. Based on discussions with WCI personnel, the only rolling solution system that discharges NCCW directly to the river is located in the Tandem Mill. The system uses service water to cool the rolling solution through a heat exchanger. The NCCW from the heat exchanger discharges to Outfall 007 at a rate in excess of 1,000 gpm. This discharge comprises the majority of the flow to Outfall 007. WCI experienced a leak in this heat exchanger in the past due to cracks in the unit which allowed oil to be released to the Outfall when the pressure on the solution side was higher than the water side. The heat exchanger was replaced in the mid 1990's and has not experienced any additional leaks. If a heat exchanger develops a leak, it usually starts gradually and increases over time. Therefore, it is recommended that the heat exchanger be inspected and pressure tested periodically to detect any potential leaks.

The remaining oil cooling systems in the finishing mills use either air cooled systems or discharge to the CTP. Therefore, these systems do not have the potential to release oil to the river outfalls.

### **PHASE 3 - 56-INCH HOT STRIP MILL PROCESS WATER AND RECYCLE SYSTEM**

Figure 5 presents a process flow diagram of the 56-inch Hot Strip Mill recycle system. The process water is collected in scale pits and pumped through a cooling tower which discharges to a lagoon. Oil is skimmed from the lagoon and the water is pumped back to the mill for direct and indirect cooling uses. A blowdown line from the return pumps discharges to Outfall 603 in order to maintain operating level in the lagoon. This outfall discharges to Outfall 008 where it combines with NCCW from the HSM before discharging to the river.

The recycle system was dye tested on August 2, 2000. Background samples were collected from the recycle system and the NCCW and storm water outfalls associated with the recycle system prior to the start of the testing. After collecting background samples, Rhodamine dye was slug fed into the lagoon inlet. Composite samplers were then setup at the outfalls to collect samples over a 24-hour period. A lower target concentration of dye was used in the HSM recycle system since the blowdown from this system enters the river immediately upstream of the intake pump house. If a high concentration were used, the dye would be recycled through the service water system at detectable concentrations which would in turn be detected at the NCCW outfalls.

The current volume of the HSM recycle system and lagoon is unknown. An estimated volume of 6 million gallons was used to determine the amount of Rhodamine dye required to achieve about 50 µg/L in the recycle system. This was assumed to be an acceptable starting concentration to minimize the potential for discoloring the river and impacting the intake water. The following table shows the minimum potential cross connection flow that would be detected at outfalls associated with the HSM recycle system using a system concentration of 50 µg/L and detection limit of 0.5 µg/L:

Outfall	Outfall Average Flow (gpm)	Minimum Detectable Cross Connection Flow (gpm)
006	5	0.05
007	1,740	17
008	4,880	49
053	N/A	N/A
056	N/A	N/A

Outfalls 053 and 056 receive storm water runoff and ground water. These outfalls had dry weather flow during the dye testing period. Flow rates were not determined for these locations because Outfall 056 was partially submerged at the river and the Outfall 053 flow was too low to measure.

The following table presents the results of the dye testing for the HSM recycle system.

Sample Location	Background Sample	Following Tracer Addition
3 & 4 Pump House Intake (Outfall 016)	<0.5 µg/L	<0.5 µg/L
HSM Lagoon	2.2 µg/L	35.5 µg/L
006	<0.5 µg/L	<0.5 µg/L
007	<0.5 µg/L	<0.5 µg/L
008	<0.5 µg/L	1.8 µg/L
053	<0.5 µg/L	<0.5 µg/L
056	<0.5 µg/L	<0.5 µg/L



Discrete grab samples were taken at 2-hour intervals from the No. 3 and 4 Pump House intake to determine if the Rhodamine dye was recirculating through the service water intake. All of the samples were below detection indicating that the dye was diluted sufficiently in the river prior to the intake. The background grab sample from the HSM lagoon showed a detectable level of Rhodamine. This is likely due to interference from oil as described under the finishing mill study. Only one grab sample was collected from the lagoon 24 hours after dye addition. The concentration in that sample was 35.5 µg/L. This would suggest that enough dye was added to reach the target concentration of 50 µg/L since the dye would be expected to degrade significantly over the 24 hour period.

Dye was not detected in any of the NCCW or storm water outfalls that were sampled with the exception of Outfall 008. However, Outfall 008 receives the blowdown from the HSM recycle system on an intermittent basis and would be expected to contain the dye.

Based on the results of the HSM recycle system evaluation and dye testing, there are no cross connections of process water with NCCW or storm water outfalls.

---

# **COMPREHENSIVE WASTEWATER SYSTEMS EVALUATION**

## **SUMMARY REPORT**

### **SECTION 3**

### **IDENTIFY POTENTIAL OVERFLOW AND BYPASS POINTS**

During the review of the process water and wastewater systems, potential overflow or bypass points were identified. The operating practices and monitoring systems of these overflow points were reviewed to determine if the systems are adequate to prevent a discharge to the river during routine operation, process start-ups, process shutdowns, and periods of wet weather.

#### ***Continuous Caster, Vacuum Degasser, and BOF Systems***

---

The continuous caster and vacuum degasser recycle systems were designed such that any process overflows from the systems would enter the interceptor pit. All of the critical units are equipped with level alarms to alert the operators in the event of an overflow condition. As discussed in Section 2, it is recommended that best management plans be implemented to ensure that the scale removed from the scale pit is staged properly and removed on a weekly basis to prevent runoff into the storm sewer.

The BOF flight conveyors are equipped with level alarms to notify operators of a high level condition. The overflow lines from the flight conveyors to Outfall 011 were sealed by the previous owner prior to WCI ownership. If the tanks overflow, the water will enter sumps from which it can be pumped back into the flight conveyor tanks. If these sumps overflow there is the potential that the water could enter a storm water drain. However, this would result in flooding of the BOF teaming floor which would not go unnoticed since flooding would be a hazardous condition in this area.

As discussed previously, the leaking seals on the BOF flight convey pumps enter floor drains connected to Outfall 011. The pump seals discharge an insignificant amount of water. However, it is recommended that the floor drains be diverted into the flight conveyor sumps to prevent the release of process water in the event that the pumps develop a significant leak. As an alternative, the pump seals should be replaced or pumps should be replaced with sealess pumps to prevent leakage.

#### ***Wastewater Collection System for Finishing Mills and Central Treatment Plant***

---

The majority of the wastewater from the finishing mills flows by gravity to the No. 9 Pump Station. This pump station discharges to a bosh box from which the wastewater flows by gravity to the No. 5 Pond. The No. 9 Pump Station is equipped with level alarms and has adequate

pumping capacity for the process wastewater and storm water contributions. There is an emergency overflow (Outfall 606) to allow wastewater to overflow from the main 60" sewer to the No. 9 Pump Station into the Outfall 007 sewer. However, a valve seals this overflow and the valve is locked at all times. The overflow is only in place as a safety precaution in the event that the pump station failed to prevent water from backing up into the mills.

A small amount of wastewater from the entry end of the pickle line enters a pit that formerly discharged to Outfall 005. The overflow from this pit was permanently sealed and the wastewater is currently pumped to the Outfall 004 pit. The pumps are controlled by level in the pit and include local alarms. The Outfall 004 pit also receives wastewater from the entry end of the pickle lines. This pit formerly overflowed to Outfall 004 but the overflow was permanently sealed. The wastewater is pumped from this pit to the bosh box where it flows by gravity to the No. 5 pond. The pumps are controlled by level and have local alarms.

Wastewater is pumped from the No. 6 Pond to the CTP where the water flows by gravity through the treatment process. The No. 6 Pond pumps are controlled by level and an alarm in the Blast Furnace/CTP control room notifies the operators if the pumps fail or if the pond level is high. There is a permitted emergency overflow (Outfall 009) from the No. 6 Pond to the river in the event that the pumps fail.

The CTP is manned 24-hours per day and there is low potential for an overflow situation from the treatment system since it was designed to operate by gravity.

### **56" Hot Strip Mill Recycle System**

The process wastewater from the HSM recycle system is pumped from the scale pits to the lagoon. The scale pits are equipped with local level alarms to notify operators if the pumps fail. The blowdown from the HSM lagoon is controlled by level in the lagoon. Water can also overflow the lagoon by gravity through a monitored discharge point if the blowdown line is inoperable or if the blowdown volume exceeds the capacity of the line.

---

**COMPREHENSIVE WASTEWATER SYSTEMS EVALUATION  
SUMMARY REPORT  
SECTION 4  
COMPLIANCE ASSESSMENT WITH CURRENT NPDES PERMIT**

The data obtained during the wastewater systems evaluation indicate that WCI Steel is operating in compliance with the requirements of the current NPDES permit (3ID00071\*CD). The only concern is the discharge of process water to Outfall 011 from leaking pump seals at the BOF flight conveyors. The pump seal leaks should be redirected back to the flight conveyors or the pumps should be repaired or replaced to eliminate the leakage.

---

**COMPREHENSIVE WASTEWATER SYSTEMS EVALUATION  
SUMMARY REPORT**

**SECTION 5**

**OUTFALLS IDENTIFIED FOR INCLUSION IN VOCAMP**

Currently, Outfalls 006, 007, 008, and 013 are included in WCI Steel's Visible Oil Corrective Action Monitoring Plan (VOCAMP). All outfalls associated with the CWSE were observed to determine if visible oil is present for inclusion in the VOCAMP. Visible oil was not observed in the discharges from any outfalls other than the currently designated outfalls during the CWSE with the exceptions of Outfall 013. Visible oil has never been observed at Outfall 013. Therefore, it is recommended that Outfall 013 be removed from the VOCAMP.

---

**COMPREHENSIVE WASTEWATER  
SYSTEMS EVALUATION SUMMARY REPORT  
SECTION 6  
CONCLUSIONS AND RECOMMENDATIONS**

**CONCLUSIONS**

Based on the results of the CWSE, the following conclusions were developed:

- The results of the dye testing for the BOF and continuous caster systems indicated that there was a cross connection contributing an estimated 1 gpm of flow to Outfall 011. The cross connection was identified as leaking seals on the BOF flight conveyor pumps which enter floor drains to the Outfall 011 sewer.
- There is a potential for runoff from the scale staging area at the caster to drain into the storm sewer if the scale is piled outside the staging area.
- Dye testing of the finishing mills wastewater collection systems indicated that there are no cross connections of the process wastewater systems with NCCW or storm water outfalls.
- The rolling solution NCCW recirculation systems in the finishing mills discharge to the CTP with the exception of the Tandem Mill. The rolling solution in the Tandem Mill is cooled through a heat exchanger that discharges NCCW to Outfall 007. This heat exchanger has leaked oil in the past due to a defective seal. The seal was repaired in the mid 1990's and has not leaked since.
- Dye testing of the 56" Hot Strip Mill recycle system indicated that there are no cross connections of the process wastewater systems with NCCW or storm water outfalls.
- The potential overflow and bypass points for the systems included in CWSE include the emergency overflows from the No. 9 Pump Station (Outfall 606) and the No. 6 Pond (Outfall 009). These overflow points are required to prevent flooding of the mills in the event of a pump failure and are listed in WCI's NPDES Permit. There are alarms to notify the operators of a high level condition at these locations.
- Visible oil was not observed at any of the outfalls associated with the CWSE that are not currently included in WCI steel's VOCAMP. Visible oil has never been observed at Outfall 013, which is included in WCI's current VOCAMP. Therefore, Outfall 013 should be removed from VOCAMP.

## ***RECOMMENDATIONS***

The following recommendations were developed as a result of the CWSE:

- Implement best management plans to ensure that the scale from the caster scale pit is staged in the proper area and removed on a weekly basis to reduce the potential for runoff into the storm sewer.
- Redirect the floor drains in the BOF flight conveyor pumps rooms to drain back into the flight conveyor sumps.
- Inspect and pressure test the Tandem Mill rolling solution heat exchanger annually to detect any potential leaks.

---

**COMPREHENSIVE WASTEWATER SYSTEMS EVALUATION  
SUMMARY REPORT**

**SECTION 7**

**IMPLEMENTATION SCHEDULE FOR  
RECOMMENDED CORRECTIVE ACTIONS**

An implementation schedule was prepared for the recommended corrective actions identified in the CWSE.

***CASTER SCALE STAGING AREA***

Implementation of a best management plan for proper staging and removal of the caster scale can be implemented immediately.

***BOF FLIGHT CONVEYOR DRAINS***

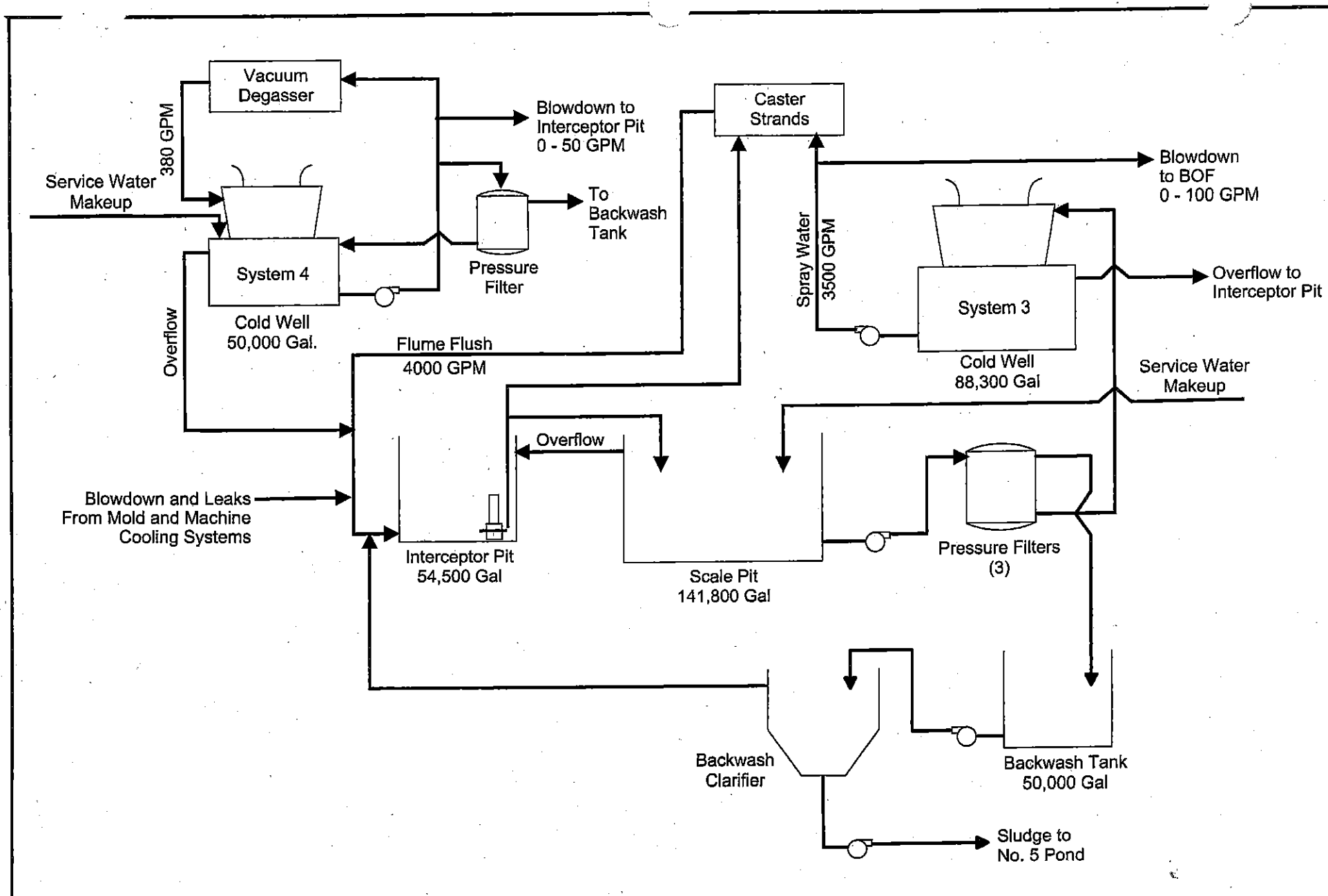
Redirecting the floor drains in the flight conveyor pump rooms should require no more than three months to implement. The floor drains should be directed to the existing sumps adjacent to the flight conveyors so that any leaks will be transferred back into the flight conveyors.

***TANDEM MILL ROLLING SOLUTION HEAT EXCHANGER***

The Tandem Mill rolling solution NCCW heat exchanger should be inspected and pressure tested annually. This will provide an early indication of any potential leaks that may develop in the heat exchanger. This option can be implemented immediately.




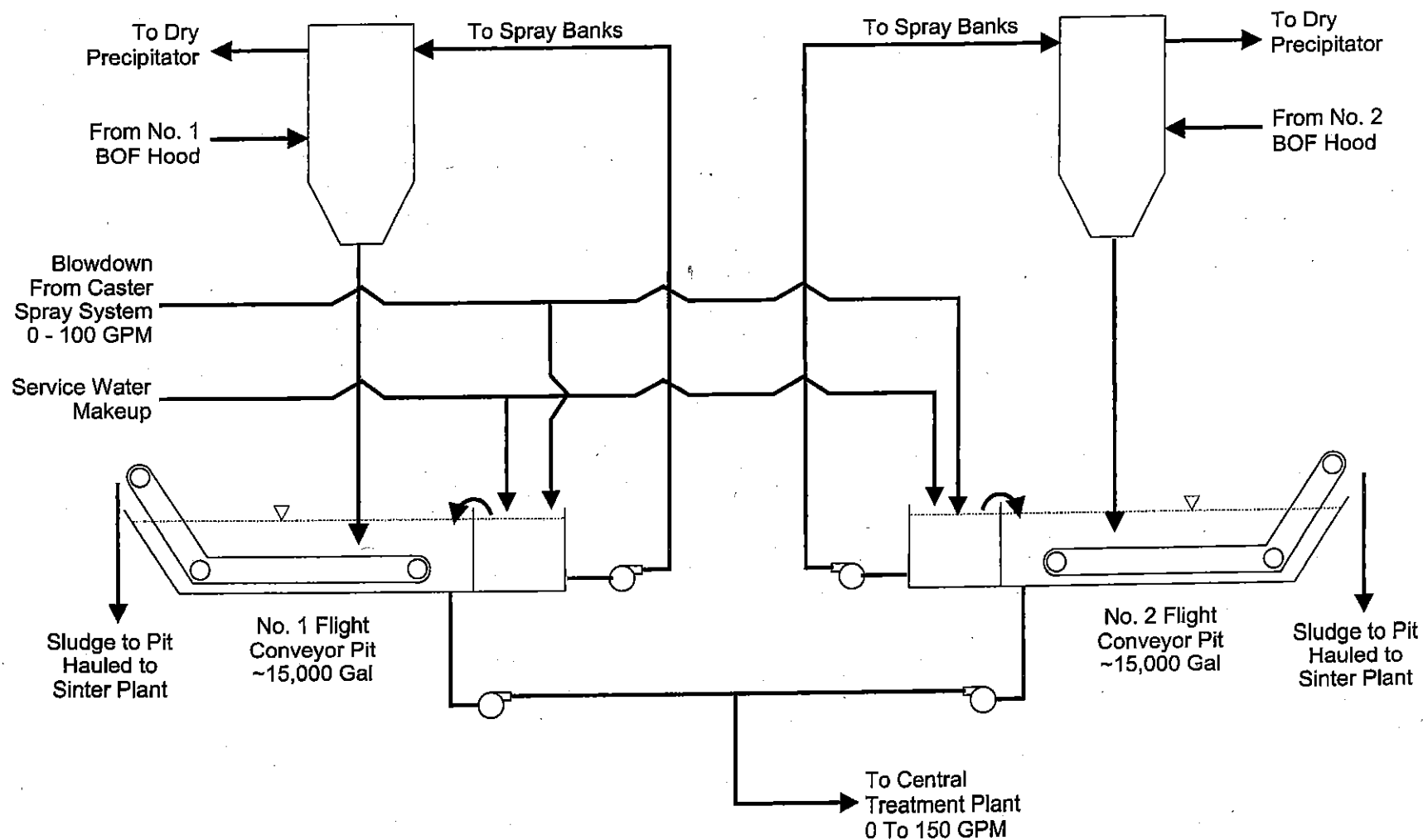




FILE NAME wci 1	SCALE None	DATE 10/3/00
DWG NO.: Figure 1		

**WCI Steel, Inc.**  
**Warren, Ohio**  
 Slab Caster Spray Cooling and Vacuum Degasser Systems  
 Process Flow Diagram

 <b>CHESTER</b> <b>ENGINEERS</b>		
DWN BY: JS	CHK'D BY: KAB	APPR BY:



FILE NAME wci 2	SCALE None	DATE 10/3/00
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DWG NO.: Figure 2

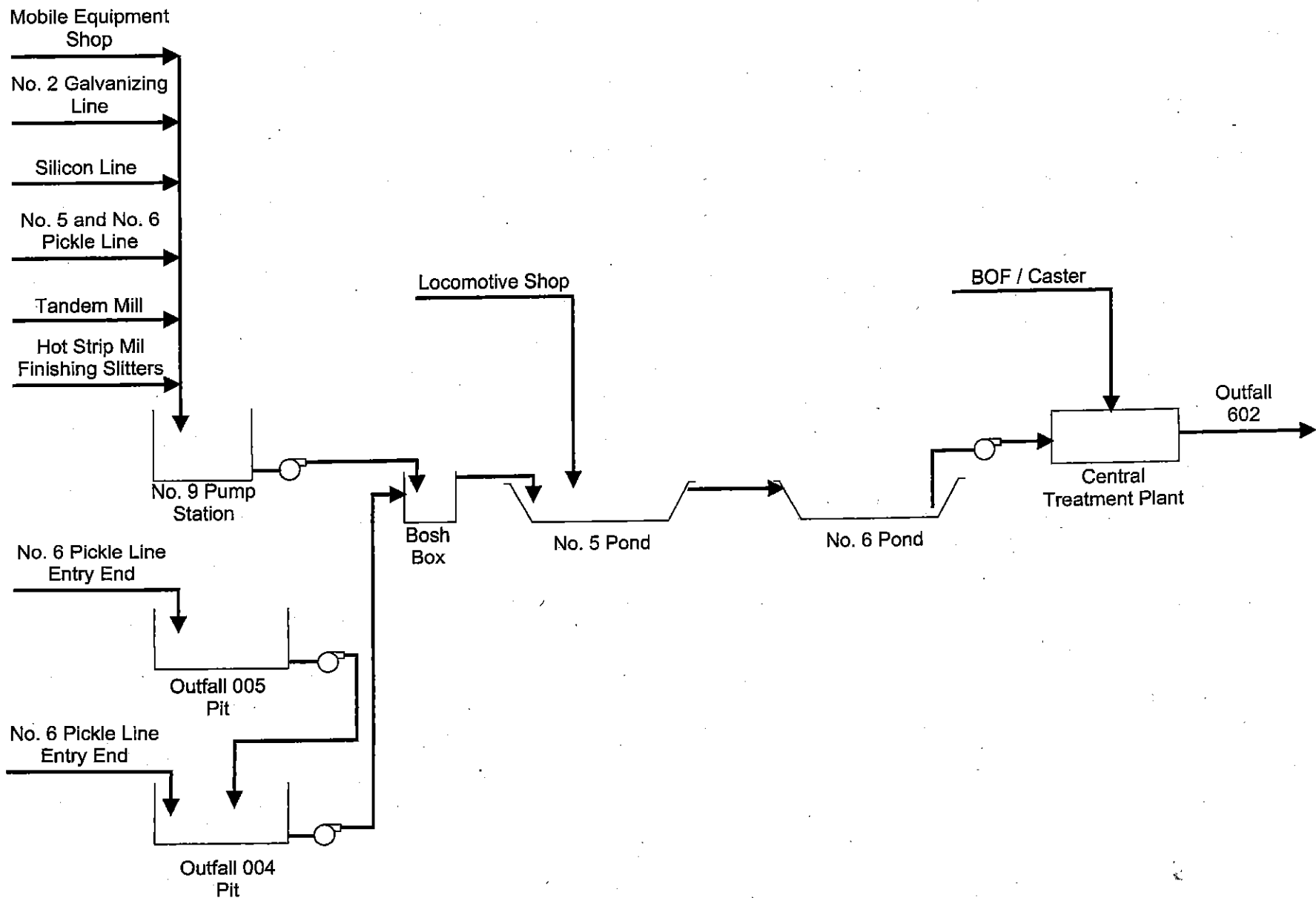
WCI Steel, Inc.  
Warren, Ohio  
BOF Gas Cleaning System  
Process Flow Diagram



**CHESTER**  
ENGINEERS

DWN BY: JS	CHK'D BY: KAB	APPR BY:
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FILE NAME wci 4	SCALE None	DATE 10/3/00
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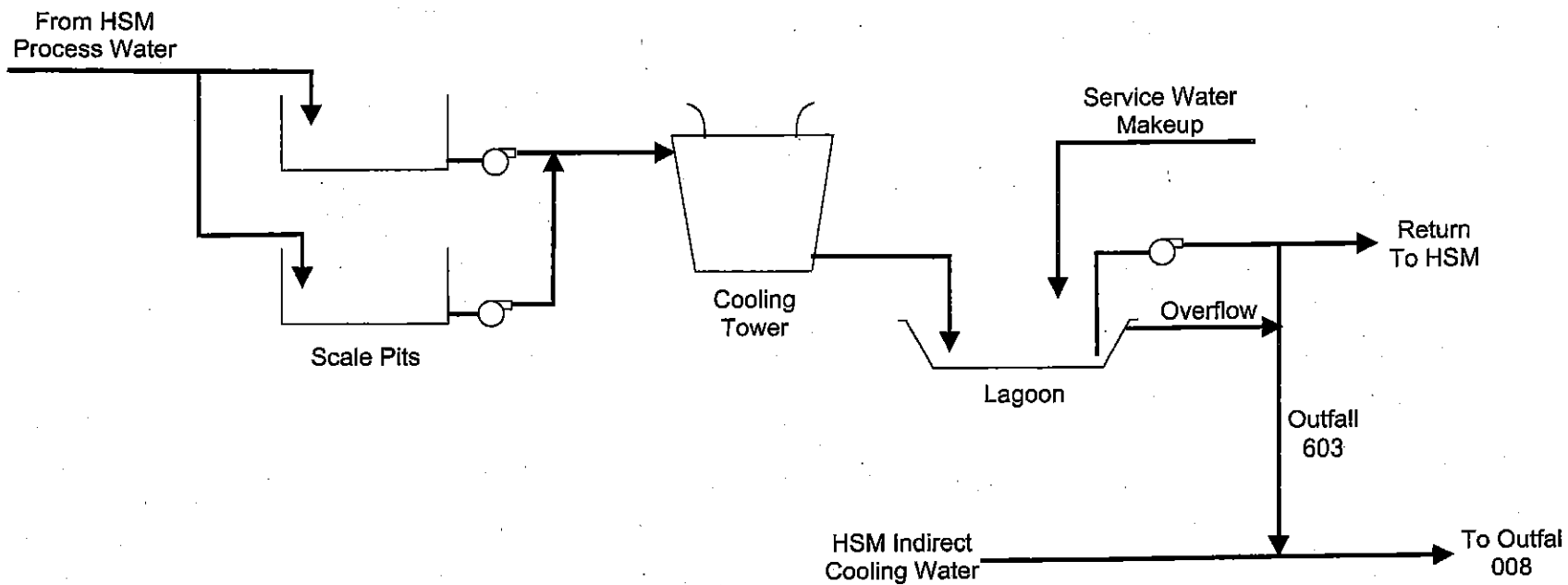
DWG NO.: Figure 4

WCI Steel, Inc.  
Warren, Ohio

Finishing Mills Wastewater Collection System

**CHESTER**  
ENGINEERS

DWN BY: JS	CHK'D BY: KAB	APPR BY:
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FILE NAME wci 5	SCALE None	DATE 10/3/00
DWG NO.: Figure 5		

WCI Steel, Inc.  
Warren, Ohio

56" Hot Strip Mill Process Water Recycle System



DWN BY: JS	CHK'D BY: KAB	APPR BY:
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## Appendix A

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(724)772-0610

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### CERTIFICATE OF ANALYSIS

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Mr. Keith Benson  
600 Clubhouse Drive

Moon Twp. PA 15108

Date Reported 6/29/00  
Date Received 6/22/00  
Order No 9918-00845  
Invoice No 055791  
Cust # BC149  
Sampled Date 6/20/00  
Sampled Time 00:00

Permit No  
Cust P.O.

"REVISED" 7/5/00

Subject: WCI/Warren - Wastewater Samples for Analysis

SNP	TEST	METHOD	RESULT	UNITS	DATE	TECH
1	LMF CT#4 Collected 6/20/00 @ 11:20					
Rhodamine	In House		<0.5 ug/L		6/28/00	NLG
	Spray Water CT#3 Collected 6/20/00 @ 11:25					
Rhodamine	In House		<0.5 ug/L		6/28/00	NLG
3	Intake Collected 6/20/00 @ 11:45					
Rhodamine	In House		<0.5 ug/L		6/28/00	NLG
4	Outfall 010 Collected 6/20/00 @ 11:50					
Rhodamine	In House		<0.5 ug/L		6/28/00	NLG
5	Outfall 011 Collected 6/20/00 @ 12:00					
Rhodamine	In House		<0.5 ug/L		6/28/00	NLG
6	Outfall 012 Collected 6/20/00 @ 11:55					
Rhodamine	In House		<0.5 ug/L		6/28/00	NLG
7	#1 Flight Conveyor Collected 6/20/00 @ 12:25					
Rhodamine	In House		<0.5 ug/L		6/28/00	NLG
8	#2 Flight Conveyor Collected 6/20/00 @ 12:30					
Rhodamine	In House		<0.5 ug/L		6/28/00	NLG
9	MH #11 Collected 6/20/00 @ 14:45					
Rhodamine	In House		0.9 ug/L		6/28/00	NLG

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SNP	TEST	METHOD	RESULT	UNITS	DATE	TECH
10	LMF CT#4 Collected 6/20/00 @ 14:30					
Rhodamine	In House		2,290 ug/L		6/28/00	NLG
	Spray Water CT#3 Collected 6/20/00 @ 14:35					
Rhodamine	In House		1,640 ug/L		6/28/00	NLG
12	LMF CT#4 Collected 6/21/00 @ 10:30					
Rhodamine	In House		144 ug/L		6/28/00	NLG
13	Spray Water CT#3 Collected 6/21/00 @ 10:25					
Rhodamine	In House		103 ug/L		6/28/00	NLG
14	Intake Collected 6/20/00-6/21/00					
Rhodamine	In House		<0.5 ug/L		6/28/00	NLG
15	Outfall 010 Collected 6/20/00-6/21/00 @ 11:00					
Rhodamine	In House		<0.5 ug/L		6/28/00	NLG
16	Outfall 011 Collected 6/20/00-6/21/00 @ 11:10					
Rhodamine	In House		1.8 ug/L		6/28/00	NLG
17	Outfall 012 Collected 6/20/00-6/21/00 @ 11:20					
Rhodamine	In House		<0.5 ug/L		6/28/00	NLG

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Invoice No 056646  
Cust # BC149  
Sampled Date 0/00/00  
Sampled Time 00:00

Permit No  
Cust P.O.

Subject: WCI/Warren - Water Samples for Analysis

SNP	TEST	METHOD	RESULT	UNITS	DATE	TECH
1	Outfall 052 Collected	7/11/00 @ 9:15				
Rhodamine		IN HOUSE	<0.5 ug/L		7/28/00	NLG
	Outfall 003 Collected	7/11/00 @ 9:20				
Rhodamine		IN HOUSE	<0.5 ug/L		7/28/00	NLG
3	Outfall 006 Collected	7/11/00 @ 9:30				
Rhodamine		IN HOUSE	<0.5 ug/L		7/28/00	NLG
4	Outfall 053 Collected	7/11/00 @ 9:35				
Rhodamine		IN HOUSE	<0.5 ug/L		7/28/00	NLG
5	Outfall 007 Collected	7/11/00 @ 9:45				
Rhodamine		IN HOUSE	<0.5 ug/L		7/28/00	NLG
6	Bosch Effluent Collected	7/11/00 @ 9:55				
Rhodamine		IN HOUSE	1.1 ug/L		7/28/00	NLG
7	Outfall 008 Collected	7/11/00 @ 10:00				
Rhodamine		IN HOUSE	<0.5 ug/L		7/28/00	NLG
8	Outfall 016 Collected	7/11/00 @ 10:05				
Rhodamine		IN HOUSE	<0.5 ug/L		7/28/00	NLG
9	Outfall 056 Collected	7/11/00 @ 10:15				
Rhodamine		IN HOUSE	<0.5 ug/L		7/28/00	NLG

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Cust # BC149  
Sampled Date 0/00/00  
Sampled Time 00:00

Permit No  
Cust P.O.

Subject: WCI/Warren - Water Samples for Analysis

SNP	TEST	METHOD	RESULT	UNITS	DATE	TECH
10	Pipe Shop M.H. Collected 7/11/00 @ 10:20					
Rhodamine		IN HOUSE	<0.5 ug/L		7/28/00	NLG
	005 Pit Collected 7/11/00 @ 10:35					
Rhodamine		IN HOUSE	3.6 ug/L		7/28/00	NLG
12	Terne Line C.B. Collected 7/11/00 @ 10:45					
Rhodamine		IN HOUSE	<0.5 ug/L		7/28/00	NLG
13	Oil Sump Collected 7/11/00 @ 11:05					
Rhodamine		IN HOUSE	4.0 ug/L		7/28/00	NLG
14	Outfall 060 Collected 7/11/00 @ 11:20					
Rhodamine		IN HOUSE	<0.5 ug/L		7/28/00	NLG
15	Outfall 602 Collected 7/11/00 @ 11:25					
Rhodamine		IN HOUSE	<0.5 ug/L		7/28/00	NLG
16	Outfall 052 Collected 7/11/00					
Rhodamine		IN HOUSE	<0.5 ug/L		7/28/00	NLG
17	Outfall 003 Collected 7/11/00					
Rhodamine		IN HOUSE	<0.5 ug/L		7/28/00	NLG
18	Outfall 006 Collected 7/11/00					
Rhodamine		IN HOUSE	<0.5 ug/L		7/28/00	NLG

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Date Reported 7/28/00  
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Order No 9919-00447  
Invoice No 056646  
Cust # BC149  
Sampled Date 0/00/00  
Sampled Time 00:00

Permit No  
Cust P.O.

Subject: WCI/Warren - Water Samples for Analysis

SNP	TEST	METHOD	RESULT	UNITS	DATE	TECH
19	Outfall 053 Collected	7/11/00				
Rhodamine		IN HOUSE	<0.5 ug/L		7/28/00	NLG
	Outfall 007 Collected	7/11/00				
Rhodamine		IN HOUSE	<0.5 ug/L		7/28/00	NLG
21	Bosch Effluent Collected	7/11/00				
Rhodamine		IN HOUSE	337 ug/L		7/28/00	NLG
22	Outfall 008 Collected	7/11/00				
Rhodamine		IN HOUSE	<0.5 ug/L		7/28/00	NLG
23	Outfall 016 Collected	7/11/00				
Rhodamine		IN HOUSE	<0.5 ug/L		7/28/00	NLG
24	Outfall 056 Collected	7/11/00				
Rhodamine		IN HOUSE	<0.5 ug/L		7/28/00	NLG
25	Pipe Shop M.H. Collected	7/11/00				
Rhodamine		IN HOUSE	2,330 ug/L		7/28/00	NLG
26	Outfall 060 Collected	7/11/00				
Rhodamine		IN HOUSE	<0.5 ug/L		7/28/00	NLG
27	Outfall 602 Collected	7/11/00				
Rhodamine		IN HOUSE	<0.5 ug/L		7/28/00	NLG

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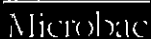
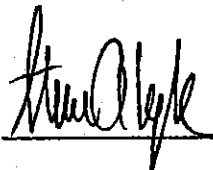
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Date Received 7/13/00  
Order No 9919-00447  
Invoice No 056646  
Cust # BC149  
Sampled Date 0/00/00  
Sampled Time 00:00

Permit No  
Cust P.O.

Subject: WCI/Warren - Water Samples for Analysis

SNP	TEST	METHOD	RESULT	UNITS	DATE	TECH
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Approved By Laboratory Director



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USDA-EPA-NIOSH Testing Food Sanitation Consulting Chemical and Microbiological Analyses and Research

MEMBER  
ACIL



# Microbac Laboratories, Inc.

Pittsburgh Division  
100 Marshall Drive  
Warrendale PA 15086  
(724)772-0610

Page 1

AIR • FUEL • WATER • FOOD • WASTES

## CERTIFICATE OF ANALYSIS

CHESTER ENGINEERS  
Mr. Keith Benson  
600 Clubhouse Drive

Moon Twp. PA 15108

Date Reported 8/09/00  
Date Received 8/03/00  
Order No 9920-00176  
Invoice No 057005  
Cust # BC149  
Sampled Date 0/00/00  
Sampled Time 00:00

Permit No  
Cust P.O.

Subject: 5605-09/WCI - Water Samples for Analysis

SNP	TEST	METHOD	RESULT	UNITS	DATE	TECH
1	016 Background Collected 8/2/00 @ 10:30					
Rhodamine	IN HOUSE		<0.5 ug/L		8/08/00	MLG
2	056 Background Collected 8/2/00 @ 11:15					
Rhodamine	IN HOUSE		<0.5 ug/L		8/08/00	MLG
3	007 Background Collected 8/2/00 @ 12:00					
Rhodamine	IN HOUSE		<0.5 ug/L		8/08/00	MLG
4	008 Background Collected 8/2/00 @ 12:10					
Rhodamine	IN HOUSE		<0.5 ug/L		8/08/00	MLG
5	006 Background Collected 8/2/00 @ 12:30					
Rhodamine	IN HOUSE		<0.5 ug/L		8/08/00	MLG
6	053 Background Collected 8/2/00 @ 12:40					
Rhodamine	IN HOUSE		<0.5 ug/L		8/08/00	MLG
7	Lagoon Background Collected 8/2/00 @ 13:05					
Rhodamine	IN HOUSE		2.2 ug/L		8/08/00	MLG
8	016 #1 Collected 8/2/00 @ 13:45					
Rhodamine	IN HOUSE		<0.5 ug/L		8/08/00	MLG
9	016 #2 Collected 8/2/00 @ 15:45					
Rhodamine	IN HOUSE		<0.5 ug/L		8/08/00	MLG

Certificate Of Analysis Continued On Next Page



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### CERTIFICATE OF ANALYSIS

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Invoice No 057005  
Cust # BC149  
Sampled Date 0/00/00  
Sampled Time 00:00

Permit No  
Cust P.O.

Subject: 5605-09/WCI - Water Samples for Analysis

SMP	TEST	METHOD	RESULT	UNITS	DATE	TECH
10	016 #3 Collected 8/2/00 @ 17:45 Rhodamine	IN HOUSE	<0.5 ug/L		8/08/00	MLG
	016 #4 Collected 8/2/00 @ 19:45 Rhodamine	IN HOUSE	<0.5 ug/L		8/08/00	MLG
12	016 #5 Collected 8/2/00 @ 21:45 Rhodamine	IN HOUSE	<0.5 ug/L		8/08/00	MLG
13	016 #6 Collected 8/2/00 @ 23:45 Rhodamine	IN HOUSE	<0.5 ug/L		8/08/00	MLG
14	016 #7 Collected 8/3/00 @ 1:45 Rhodamine	IN HOUSE	<0.5 ug/L		8/08/00	MLG
15	016 #8 Collected 8/3/00 @ 3:45 Rhodamine	IN HOUSE	<0.5 ug/L		8/08/00	MLG
16	016 #9 Collected 8/3/00 @ 5:45 Rhodamine	IN HOUSE	<0.5 ug/L		8/08/00	MLG
17	016 #10 Collected 8/3/00 @ 7:45 Rhodamine	IN HOUSE	<0.5 ug/L		8/08/00	MLG
18	016 #11 Collected 8/3/00 @ 9:45 Rhodamine	IN HOUSE	<0.5 ug/L		8/08/00	MLG

Certificate Of Analysis Continued On Next Page

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USDA-EPA-NIOSH Testing Food Sanitation Consulting Chemical and Microbiological Analyses and Research

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AIR • FUEL • WATER • FOOD • WASTES

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Date Reported 8/09/00  
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Order No 9920-00176  
Invoice No 057005  
Cust # BC149  
Sampled Date 0/00/00  
Sampled Time 00:00

Permit No  
Cust P.O.

Subject: 5605-09/WCI - Water Samples for Analysis

SNP	TEST	METHOD	RESULT	UNITS	DATE	TECH
19	016 #12 Collected 8/3/00 @ 11:45					
	Rhodamine	IN HOUSE	<0.5 ug/L		8/08/00	NLG
	056 Collected 8/2/00-8/3/00 @ 13:00					
	Rhodamine	IN HOUSE	<0.5 ug/L		8/08/00	NLG
21	007 Collected 8/2/00-8/3/00 @ 13:10					
	Rhodamine	IN HOUSE	<0.5 ug/L		8/08/00	NLG
22	008 Collected 8/2/00-8/3/00 @ 13:20					
	Rhodamine	IN HOUSE	1.8 ug/L		8/08/00	NLG
23	006 Collected 8/2/00-8/3/00 @ 13:40					
	Rhodamine	IN HOUSE	<0.5 ug/L		8/08/00	NLG
24	053 Collected 8/3/00 @ 12:20					
	Rhodamine	IN HOUSE	<0.5 ug/L		8/08/00	NLG
25	Lagoon Collected 8/3/00 @ 13:35					
	Rhodamine	IN HOUSE	35.5 ug/L		8/08/00	NLG

Approved By Laboratory Director

*David J. Davis*

Microbac

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MEMBER  
ACIL





RECEIVED

February 18, 2000

Water Enforcement &  
Compliance Assurance Group  
U.S. EPA

Thomas L. Bramscher, Chief  
Water Division, Compliance Section  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago, IL 60604

Re: Consent Decree, Civil Action No. 4:95 CV 1442 – Notice of  
Response to Comments on Pond 6 and Pond 6A Work Plans

Dear Mr. Bramscher:

In accordance with ¶¶ 26 and 30 of the above-referenced Consent Decree, this letter is to notify U.S. EPA of WCI Steel's response to the comments on WCI Steel's Draft Pond 6 and Pond 6A work plans conveyed in your letter dated December 29, 1999. The Draft work plans were submitted by WCI Steel on August 30, 1999 and October 28, 1999, respectively. Pursuant to ¶¶ 26 and 30 of the Consent Decree, WCI Steel requested an extension of the 30-day response period, by letter dated January 25, 2000, and was granted a three (3) week extension by your letter dated February 4, 2000.

WCI Steel has reviewed the comments transmitted by U.S. EPA, and hereby agrees to modify the work plans to meet the modifications proposed by the Agency as discussed below. As a preliminary matter, WCI Steel notes that the majority of U.S. EPA's comments would require WCI Steel to go beyond the terms and conditions of the water case Consent Decree (which requires WCI Steel to obtain the necessary permits and approvals to perform the actions set forth in the decree) to prepare a RCRA closure plan and seek approval from the state and/or federal agency officials responsible for that program. In particular, the comments state at ¶¶ A.2 and B.1 that the lining and removal of sludge from Pond 6, and the closure of Pond 6A, "must be processed through the OEPA Hazardous Waste permit and closure program" and that "the work plan must reflect written contact with the OEPA officials authorized to render determinations under the RCRA program to ensure all the applicable permits are obtained and that the applicable regulations and guidance are followed."

Although WCI Steel believes that this approach is not mandated by the terms of the water case Consent Decree,<sup>1</sup> it wishes to avoid further confrontation with the Agency and to work in a cooperative manner to implement a complete and final solution for all environmental issues raised by these wastewater treatment lagoons. To that end, in response to the comments submitted by U.S. EPA, WCI Steel has retained Chester Engineers to prepare a written closure

<sup>1</sup> In addition, the government's request for an order requiring the closure of the ponds was denied by the court's decision in United States v. WCI Steel, Inc., Case No. 4:98-CV-1082 (N.D. Ohio, Oct. 22, 1999), and in the court's subsequent ruling on the government's motion to alter or amend judgment (Dec. 10, 1999).

North  
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Obligated under 265.1(c) To comply  
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permits

plan for Ponds 6 and 6A that is consistent with the relevant state and federal requirements for such plans. In accordance with OAC § 3745-66-12(D)(1), the RCRA closure plan will be submitted and the decision in United States v. WCI Steel, Inc., Case No. 4:98-CV-1082 (N.D. Ohio, Oct. 22, 1999) to Ohio EPA's Division of Solid and Hazardous Waste Management for review and approval. As suggested in your letter dated January 25, 2000, a courtesy copy will also be provided to Mr. Daniel Patulski in U.S. EPA Region V's Office of Waste, Pesticides and Toxics Division, the individual overseeing the corrective action activities currently being conducted in connection with WCI Steel's federal Part B RCRA permit.

Chester Engineers has estimated the time required for preparation of the RCRA closure plan to be 120 days. In connection with this effort, Chester will obtain and review the groundwater monitoring data being collected by Dames & Moore for the ongoing corrective action activities at WCI Steel, and utilize this data as the basis for its preliminary environmental risk analysis.

Pursuant to your instructions, the draft work plan resubmittal will address the issues raised in §§ 1, 2, 3, 6.a, 6.c, 6.d, and 6.e of Section A, and §§ 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13 and 14 of Section B in your letter dated December 29, 1999. WCI Steel's response to §§ A.3, A.4, A.6.b and B.11 is set forth below.

Comment A.3:

**Section 1 – A RCRA Part B permit application or modification appears necessary for Pond 6 to continue to receive waste, OAC 3745-55-13. Please add the necessary deadlines and applications to the resubmittal.**

WCI Steel does not believe that a RCRA Part B permit application or modification will be necessary, because WCI Steel will be submitting and implementing a plan for RCRA closure of the ponds as requested in Comment A.2. WCI Steel intends to address the issue of any necessary RCRA permit application or modifications with Ohio EPA during the closure plan review process.

Comment A. 4:

**Section 2 – Used oil management is governed under OAC Chapter 3745-279. 3745-279-12, "Prohibitions on used oil management. (A) Surface impoundment prohibition. Generally, used oil shall not be managed in surface impoundments or waste piles unless the units are subject to regulation under Chapters 3745-54 to 3745-57 or 3745-65 to 3745-69 of the Administrative Code. Accordingly, WCI appears to be prohibited from managing used oil in the ponds. Please address this issue in WCI's draft work plan resubmittal.**

Chapter 3745-279 of the Ohio Administrative code does not apply to WCI Steel's Ponds 6 and 6A because WCI Steel does not manage used oil in the ponds. OAC § 3745-279-10(F) specifically exempts wastewaters contaminated with de minimis quantities of used oil from the requirements of this chapter.

Comment A.6.b: -

**The work plan's reference to a single 40 mil high-density polyethylene membrane and 6 inches of clay bedding material would appear to fall short of State regulations which require that each new surface impoundment must install two or more liners and a leachate collection and removal system between such liners, OAC 3745-56-21, OAC 3745-67-21. The regulations for construction and operation of surface impoundments are found at OAC 3745-56-20 through 3745-56-33.**

The cited provisions governing the design and operation of surface impoundments, waste piles and tanks will not apply to the installation of the liner in Pond 6, since the pond will be clean closed prior to the installation of the liner and the cited rules only apply to owners of facilities that use surface impoundments to treat or store hazardous waste. OAC § 3745-56-20(A).

~~PLEASE FOR~~

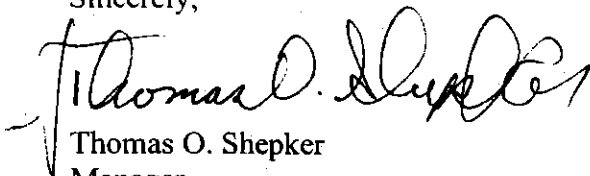
Comment B.11

**The final work plan should include copies of written verifications from the U.S. Army Corps of Engineers that no permits are necessary. Please address this issue in your resubmittal.**

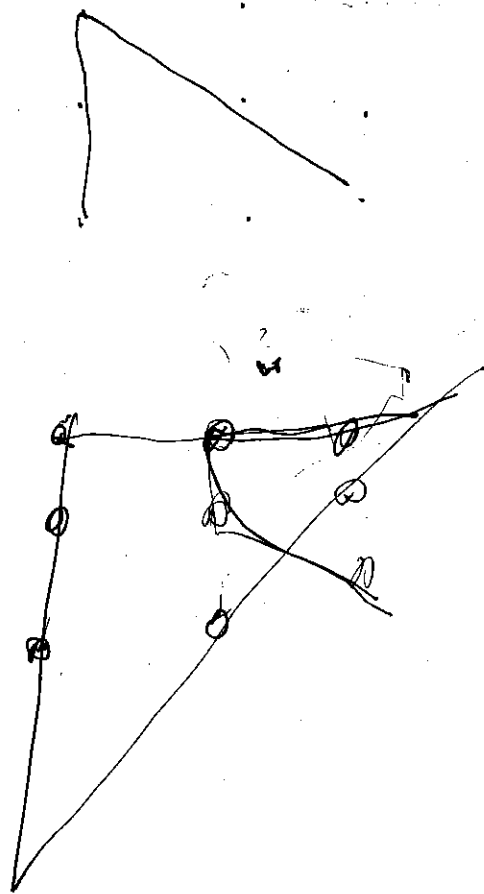
Paragraph 29 of the consent decree requires that copies of WCI Steel's applications to obtain all relevant permits and approvals be included in the work plan. There is no mention of a requirement to obtain written verification for permits that are not required.

I certify under penalty of law this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system, or those persons directly responsible for gathering the information, the information submitted, is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine, imprisonment, or both, for knowing violations. See, e.g., 18 U.S.C. §1001.

Sincerely,



Thomas O. Shepker  
Manager,  
Environmental Control



# Rule 3745-66-12

3745-66-12 Closure plan; amendment of plan.

(A) On April 15, 1981, the owner or operator of a hazardous waste management facility shall have a written closure plan. Until final closure is completed and certified in accordance with rule 3745-66-15 of the Administrative Code, a copy of the most current closure plan shall be furnished to the director upon request, including request by mail. In addition, for facilities without approved plans, it shall also be provided during site inspections, on the day of inspection, to any officer, employee, or representative of the Ohio EPA who is duly designated by the director.

(B) The plan shall identify steps necessary to perform partial and/or final closure of the facility at any point during its active life. The closure plan shall include, at least:

(1) A description of how each hazardous waste management unit at the facility will be closed in accordance with rule 3745-66-11 of the Administrative Code;

(2) A description of how final closure of the facility will be conducted in accordance with rule 3745-66-11 of the Administrative Code. The description shall identify the maximum extent of the operation which will be unclosed during the active life of the facility;

(3) An estimate of the maximum inventory of hazardous wastes ever on-site over the active life of the facility and a detailed description of the methods to be used during partial and final closure, including, but not limited to, methods for removing, transporting, treating, storing or disposing of all hazardous waste, identification of and the type(s) of off-site hazardous waste management unit(s) to be used, if applicable;

(4) A detailed description of the steps needed to remove or decontaminate all hazardous waste residues and contaminated containment system components, equipment, structures, and soils during partial and final closure including, but not limited to, procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils, and

criteria for determining the extent of decontamination necessary to satisfy the closure performance standard;

(5) A detailed description of other activities necessary during the partial and final closure period to ensure that all partial closures and final closure satisfy the closure performance standards, including, but not limited to, ground water monitoring, leachate collection, and run-on and run-off control;

(6) A schedule for closure of each hazardous waste management unit and for final closure of the facility. The schedule shall include, at a minimum, the total time required to close each hazardous waste management unit and the time required for intervening closure activities which will allow tracking of the progress of partial and final closure (for example, in the case of a landfill unit, estimates of the time required to treat or dispose of all hazardous waste inventory and of the time required to place a final cover shall be included); and

(7) An estimate of the expected year of final closure for facilities that use trust funds to demonstrate financial assurance under rule 3745-66-43 or 3745-66-45 of the Administrative Code and whose remaining operating life is less than twenty years, and for facilities without approved closure plans.

(C) The owner or operator may amend the closure plan at any time prior to the notification of partial or final closure of the facility. An owner or operator with an approved closure plan shall submit a written request to the director to authorize a change to the approved closure plan. The written request shall include a copy of the amended closure plan for approval by the director.

(1) The owner or operator shall amend the closure plan whenever:

(a) Changes in operating plans or facility design affect the closure plan; or

(b) There is a change in the expected year of closure, if applicable; or

to the date on which he expects to begin closure of a surface impoundment, waste pile, landfill, or land treatment unit, or final closure of a facility involving such a unit. Owners and operators with approved closure plans shall notify the director in writing at least forty-five days prior to the date on which he expects to begin final closure of a facility with only tanks, container storage, or incinerator units.

(2) The date when he "expects to begin closure" shall be either:

(a) Within thirty days after the date on which any hazardous waste management unit receives the known final volume of hazardous wastes or, if there is a reasonable possibility that the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous waste. If the owner or operator of a hazardous waste management unit can demonstrate to the director that the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes and he has taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all interim status requirements, the director may approve an extension to this one-year limit; or

(b) For units meeting the requirements of paragraph (D) of rule 3745-66-13 of the Administrative Code, no later than thirty days after the date on which the hazardous waste management unit receives the known final volume of nonhazardous wastes, or if there is a reasonable possibility that the hazardous waste management unit will receive additional nonhazardous wastes, no later than one year after the date on which the unit received the most recent volume of nonhazardous waste. If the owner or operator can demonstrate to the director that the hazardous waste management unit has the capacity to receive additional nonhazardous wastes and he has taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all interim facility standards requirements, the director may approve an extension to this one-year limit.

(3) The owner or operator shall submit his closure plan to the director no later than fifteen days after:

(a) Termination of interim status except when a permit is issued simultaneously with termination of interim status; or

(c) In conducting partial or final closure activities, unexpected events require a modification of the closure plan.

(2) The owner or operator shall amend the closure plan at least sixty days prior to the proposed change in facility design or operation, or no later than sixty days after an unexpected event has occurred which has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the owner or operator shall amend the closure plan no later than thirty days after the unexpected event. These provisions also apply to owners or operators of surface impoundments and waste piles who intended to remove all hazardous wastes at closure, but are required to close as landfills in accordance with rule 3745-68-10 of the Administrative Code.

(3) An owner or operator with an approved closure plan shall submit the modified plan to the director at least sixty days prior to the proposed change in facility design or operation, or no more than sixty days after an unexpected event has occurred which has affected the closure plan. If an unexpected event has occurred during the partial or final closure period, the owner or operator shall submit the modified plan no more than thirty days after the unexpected event. These provisions also apply to owners or operators of surface impoundments and waste piles who intended to remove all hazardous wastes at closure but are required to close as landfills in accordance with rule 3745-68-10 of the Administrative Code. If the amendment to the plan is a modification according to the criteria in rules 3745-50-51 and 3745-50-52 of the Administrative Code, the modification to the plan will be approved according to the procedures in paragraph (D) (4) of this rule.

(4) The director may request modifications to the plan under the conditions described in paragraph (C) (1) of this rule. An owner or operator with an approved closure plan shall submit the modified plan within sixty days of the request from the director, or within thirty days if the unexpected event occurs during partial or final closure. If the amendment is considered a modification according to the criteria in rules 3745-50-51 and 3745-50-52 of the Administrative Code, the modification to the plan will be approved in accordance with the procedures in paragraph (D) (4) of this rule.

X (D) (1) The owner or operator shall submit the closure plan to the director at least one hundred eighty days prior to the date on which he expects to begin closure of any surface impoundment, waste pile, land treatment, or landfill unit. The owner or operator shall submit the closure plan to the director at least forty-five days prior to the date on which he expects to begin closure of any non land disposal unit at a facility. Owners or operators with approved closure plans shall notify the director in writing at least sixty days prior





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 5**

**77 WEST JACKSON BOULEVARD**

**CHICAGO, IL 60604-3590**

DEC 29 1999

REPLY TO THE ATTENTION OF:

WC-15J

**CERTIFIED MAIL P 606 820 036**  
**RETURN RECEIPT REQUESTED**

Mr. Thomas O. Shepker  
Manager, Environmental Control  
WCI Steel, Inc.  
1040 Pine Avenue, SE  
Warren, Ohio 44483-6528

Subject: Draft Work Plan for Pond 6A  
Draft Work Plan for Pond 6  
Civil Action No. 4:95 CV 1442

Dear Mr. Shepker:

Thank you for submitting the above-captioned draft work plans to the Water Division, Compliance Section. This letter provides U.S. EPA's comments on the draft work plan entitled "Removing sludge and Lining No. 6 Pond (submitted by WCI on August 30, 1999), and the one-half page draft work plan entitled "Closure of No. 6a Pond, (submitted by WCI on October 28, 1999). In general, the draft work plans contain brief and generic information, whereas more detailed work plans must be submitted.

Under Paragraph 25 and 29 of the Consent Decree, WCI is required to submit draft work plans that include copies of WCI's applications to obtain **all** relevant local, State and Army Corps of Engineers permits and approvals, and to obtain an approved PTI, if required from Ohio EPA (OEPA) that conforms to OEPA's requirements and specifications. It is the general expectation that the work plans must contain a fair amount of detail in order for U.S. EPA to: a) enforce under the terms of the consent decree, b) thoroughly review and comment; and, c) assure that **all** relevant approvals have been solicited and obtained. WCI's proposed work plans would be difficult to enforce. Also, the proposed work plans make it difficult for the agency to provide specific comments or to ascertain that **all** relevant State, local and Army Corps of Engineers permits and approvals were solicited and obtained.

As you know, Ponds 5, 6 and 6A have historically received hazardous waste, and have not been closed pursuant to the requirements of the Resource Conservation and Recovery Act (RCRA). Further, WCI has not submitted these proposed work plans for review and approval under RCRA statutory and regulatory requirements. Accordingly, the following comments do not constitute reviews or approvals required by RCRA statutory and regulatory requirements, and WCI remains

responsible for complying with RCRA statutory and regulatory requirements, and for making all submissions as required by RCRA in the form and to the offices specified. If you have any questions concerning the application of the RCRA requirements to your planned activities at the ponds, please contact Michael Beedle, in Region 5's Office of Waste, Pesticides and Toxics Division. He can be reached at (312) 353-7922.

Given the above constraints on our ability to thoroughly review and comment on WCI's submittals, U.S. EPA provides the following comments.

**A. Comments on No. 6 Pond Lining Project and Pond Closure Draft Work Plan**

1. General - In previous years, WCI provided closure plans for Ponds 5 and 6 to OEPA, Division of Surface Water, and the draft work plan does not address the potential overlap and/or inconsistencies of work proposed under the different work plans, particularly as those plans relate to sludge handling and sampling. Please address this issue in your resubmittal.
2. General - In addition to the normal procedure of applying for a Permit-to-Install (PTI), it appears from the brief descriptions of characteristics provided, that the lining and removal of sludge from Pond 6 must be processed through the OEPA Hazardous Waste permit and closure program as well as the OEPA, Division of Surface Water, and in accordance with all applicable guidance. As such, the work plan must reflect written contact with the OEPA officials authorized to render determinations under the RCRA program to ensure all the applicable permits are obtained and that the applicable regulations and guidance are followed. Please address this issue in your resubmittal.
3. Section 1 - A RCRA Part B permit application or modification appears necessary for Pond 6 to continue to receive waste, OAC 3745-66-13, OAC 3745-55-13. Please add the necessary deadlines and applications to the resubmittal.
4. Section 2 - Used oil management is governed under OAC Chapter 3745-279. 3745-279-12, **"Prohibitions on used oil management.** (A) Surface impoundment prohibition. Generally, used oil shall not be managed in surface impoundments or waste piles unless the units are subject to regulation under Chapters 3745-54 to 3745-57 or 3745-65 to 3745-69 of the Administrative Code. Accordingly, WCI appears to be prohibited from managing used oil in the ponds. Please address this issue in WCI's draft work plan resubmittal.
5. Section 3 and 4 - Consistent with Ohio codes, a detailed list of hazardous wastes treated, stored or disposed of in Pond 6 is required. The list must identify all hazardous constituents listed in the Appendix to OAC Rule 3745-51-11 associated with the waste managed in the pond. Sampling for the hazardous constituents will be necessary to ensure proper identification. The waste and contaminated material must be tested for Land

Disposal Restrictions including Universal Treatment Standards to ensure compliance. An estimation of the maximum inventory of waste ever on site at one time in storage or treatment over the active life of the facility is required by OAC 3745-55-12, OAC 3745-66-12, OAC 3745-56-28, OAC 3745-67-28, must be applied to any removal and/or decontamination of material, equipment, waste, waste residues, etc. Please address these issues in your resubmittal

6. Section 5 - the following comments all pertain to Section 5 of the draft work plan and must be addressed in your resubmittal.
  - a. WCI's work plan should include detailed plans, and specifications plus all other information that will be included in its application for a PTI and an Ohio Hazardous Waste Permit and Closure Program permit.
  - b. The work plan's reference to a single 40 mil high-density polyethylene membrane and 6 inches of clay bedding material would appear to fall short of State regulations which require that each new surface impoundment must install two or more liners and a leachate collection and removal system between such liners, OAC 3745-56-21, OAC 3745-67-21. The regulations for construction and operation of surface impoundments are found at OAC 3745-56-20 through 3745-56-33.
  - c. The work plan provides no information on how WCI intends to ensure that there will be no overflows for the period of time the 6 pond will be out of service during the construction. It is recommended that WCI install tanks equal to the capacity of the 6 pond to provide overflow protection.
  - d. There is no indication of health or safety plan.
  - e. There is no specific indication who will be doing the work.

**B. Comments on No. 6a Pond Closure Draft Work Plan**

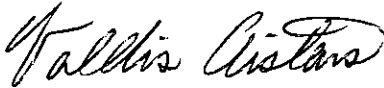
1. The closure of Pond 6a must be processed by the OEPA Hazardous Waste closure program and in accordance with all applicable guidance. The work plan must reflect written contact with OEPA RCRA program officials authorized to determine that all the applicable permits are obtained and that the applicable regulations and guidance are followed. (first bullet). Please address this area in your resubmittal.
2. The closure must proceed within the time frames specified by Ohio Administrative Code (OAC ) 3745-55-12 and 3745-55-13, OAC 3745-66-12 and 3745-66-13. (second bullet). Please address this issue in your resubmittal.

3. Pond waste and contaminated material must be tested for Land Disposal Restrictions including Universal Treatment Standards to ensure compliance with RCRA standards. Sampling for the hazardous constituents will be necessary to ensure proper identification. A detailed list of hazardous wastes treated stored or disposed in the Pond 6a is required. The list must identify all hazardous constituents in the Appendix to OAC Rule 3745-51-11 that were managed in the pond. An estimation of the maximum inventory of waste ever on site at one time in storage or treatment over the active life of the facility is required by OAC 3745-55-12, OAC 3745-66-12. (third bullet). Please address this issue in your resubmittal.
4. Contaminated pond material must be determined by sampling and analysis, not by visual determination solely. OAC 3745-56-28, OAC 3745-67-28, must be applied to any removal and/or decontamination of material, equipment, waste residues, etc. (fourth bullet). Please address this issue in your resubmittal.
5. A contingent plan must be developed in case not all contaminated subsoils can be practicably removed at closure, OAC 3745-56-28, OAC 3745-67-28. The contingent plan must include an engineered cap and related controls. A post-closure plan must be developed under OAC 3745-55-18, OAC 3745-66-18. (fifth bullet). Please address this issue in your resubmittal.
6. Certification of closure must meet the requirements of OAC 3745-55-15, OAC 3745-66-15. (seventh bullet). Please address this issue in your resubmittal.
7. Closure of Pond 6 must include a written, detailed cost estimate and financial assurance as required by 3745-55-40 through 3745-55-51, OAC 3745-66-40 through 3745-66-51. Please address this issue in your resubmittal.
8. Groundwater monitoring that satisfies OAC 3745-54-90 through 3745-55-02 must be installed at Pond 6a. Please address this issue in your resubmittal.
9. Pursuant to OAC 3745-55-12, OAC 3745-66-12, the closure plan content must ensure the closure performance standard (OAC 3745-55-11, OAC 3745-66-11) is satisfied including groundwater monitoring, leachate collection and run-on/run-off control. Please address these issues in your resubmittal.
10. The relocation of Outfall 009 to pond No. 6 will require the prior approval of the OEPA. Please address this issue in your resubmittal.
11. The final work plan should include copies of written verifications from the U. S. Army Corps of Engineers that no permits are necessary. Please address this issue in your resubmittal.

12. There is no indication of health or safety plan. Please address this issue in your resubmittal.
13. There is no specific indication as to who will be doing the work. Please address this issue in your resubmittal.
14. The draft work plan for Pond 6A was submitted without the certification required by Section XVII, Certification, of the Consent Decree. Please remedy this in your resubmittal.

I look forward to receiving your revised work plans. If you have any questions concerning the comments, please contact Mr. Ihsan Eler, of my staff at (312) 886-6249.

Sincerely yours,



for

Thomas L. Bramscher, Chief  
Enforcement Section 1

cc: Joseph Boyle, Chief, RCRA Compliance  
Pamela Allen, OEPA



NO. 0078 P. 2

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NORTHERN DISTRICT OF OHIO  
AKRON

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

UNITED STATES OF AMERICA,	)	CASE NO. 4:98-CV-1082
	)	
Plaintiff,	)	
	)	
v.	)	Judge James S. Gwin
	)	
WCI STEEL, INC.,	)	
	)	ORDER
Defendant.	)	

On November 5, 1999, Plaintiff United States moved the Court to amend or alter its judgment entered in the above-captioned case on October 22, 1999. [Doc. 71]. With this motion, the plaintiff says the Court erred in failing to grant injunctive relief as a remedy for Defendant WCI Steel, Inc.'s ("WCI Steel") violations of the Resource Conservation and Recovery Act ("RCRA"). The plaintiff asks the Court to amend its judgment to grant an injunction requiring the defendant to comply with RCRA's requirements. In the alternative, the plaintiff requests that the Court alter its judgment to "make clear" that the defendant is "not excused from future compliance with applicable requirements of RCRA."



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**FROM:** Department of Justice  
Environment and Natural Resources Division  
Environmental Enforcement Section  
P.O. Box 7611  
Washington, D.C. 20044

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**SENT BY:** Matthew Fogelson

**TO:**

*Deirdre Tanaka*

**FAX No.** 312. 886. 0747

**NUMBER OF PAGES SENT (INCLUDING COVER PAGE):** 4

**SPECIAL INSTRUCTIONS:**



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The Court finds no legal error in its refusal to grant injunctive relief. As an equitable remedy, an injunction "is not a remedy which issues as a matter of course." *Weinberger v. Romero-Barcelo*, 456 U.S. 305, 311 (1982). In determining whether to issue an injunction, the Court "is not mechanically obligated to grant an injunction for every violation of law." *Id.* at 313. Rather, in the context of a RCRA violation, an injunction should issue only if the violation endangers public health. See *United States v. Bethlehem Steel Corp.*, 38 F.3d 862, 868 (7th Cir. 1994); *Environmental Defense Fund, Inc. v. Lamphier*, 714 F.2d 331, 337-338 (4th Cir. 1983).

In this case, the Court determined that the defendant's RCRA violations did not pose an imminent threat to public health or the environment. Accordingly, the Court did not grant the plaintiff's request for injunctive relief.

Contrary to the plaintiff's suggestion, the Court's judgment in no way countenances the defendant's future noncompliance with RCRA. In imposing a \$1,000,000 civil penalty, the Court penalized the defendant for its past failure to comply with RCRA, and sought to deter the defendant from future noncompliance. The Court finds no compelling reason to amend its judgment to state the obvious, namely that the defendant has no license to violate RCRA.

For the reasons discussed above, the Court denies Plaintiff United States's motion to amend or alter judgment.

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IT IS SO ORDERED.

Date: December 7, 1999



Hon. James S. Gwin  
U.S. District Court

**FILED****99 OCT 22 PM 2: 22**CLERK U.S. DIST. CT. (W.D.)  
NORTHERN DISTRICT OF OHIO  
AKRON**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION****UNITED STATES OF AMERICA,****Plaintiff,****v.****WCI STEEL, INC.,****Defendant.****CASE NO. 4-98-CV-1082****Judge James S. Gwin****FINDINGS OF FACT AND  
CONCLUSIONS OF LAW**

In this action, the Plaintiff United States alleges that three wastewater ponds at Defendant WCI Steel's Warren, Ohio steelmaking facility (Ponds 5, 6, and 6A) are hazardous waste units, and as such are subject to regulation under the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6901 *et seq.* As grounds for this allegation, the United States claims that Ponds 5, 6, and 6A once contained wastewater having a pH<sup>1/</sup> of 2.0 standard units ("s.u.") or lower, and thus had a

<sup>1/</sup> The measure of pH provides an estimate of the acidic agent (hydrogen ion) and the basic agent (hydroxide ion).

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corrosive characteristic.<sup>2</sup>

Plaintiff United States filed this action on May 11, 1998. To establish WCI's use of corrosive substances, the United States principally relies upon sampling it did in May and June 1993 and upon data supplied by WCI in early 1994.

The parties having waived a jury, this matter went to trial before this Court. After observing the demeanor of the witnesses and considering the parties' evidence and arguments, the Court makes the following findings of fact and conclusions of law.

## I. FINDINGS OF FACT

### A. History of WCI Steel

The Defendant WCI Steel, Inc. ("WCI") is an Ohio corporation with its principal place of business at 1040 Pine Avenue, Warren, Ohio.<sup>3</sup> At this facility, Defendant WCI operates the last remaining integrated steel mill in the Mahoning River Valley.

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<sup>2</sup> The United States' complaint alleges, in part:

24. One or more of the surface impoundments at the facility, including Ponds 5, 6 and 6A, have contained wastewaters which exhibited a pH of 2 or less during the time period relevant to this Complaint.

25. Wastewaters flowing into, contained in, or flowing out of Ponds 5, 6 and 6A have exhibited the characteristic of corrosivity and are a hazardous waste within the meaning of 40 C.F.R. § 261.20 and 261.22.

26. Ponds 5, 6 and 6A at the facility are hazardous waste management units as defined by 40 C.F.R. § 260.10, and O.A.C. § 8747-50-10(A)(49) and are subject to regulation as hazardous waste management units subject to the provisions of RCRA and the O.A.C.

Complaint, ¶¶ 24-26.

<sup>3</sup> All of the United States' claims relate to WCI's Warren facility.

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WCI Warren facility manufactures hot rolled strip steel, pickled and oiled hot rolled steel strip, cold rolled steel, and coated flat steel products. Employing approximately 2,200 employees, WCI is the largest steel employer in the Mahoning Valley.

Steel production began at the Warren facility in 1912. Beginning in the 1930s, Republic Steel Corporation owned the facility. In 1984, Republic Steel Corporation merged with J&L Steel Corporation to form LTV Steel Company. In 1988, LTV Steel Company went into bankruptcy. With little potential to operate profitably, the bankruptcy trustee decided to sell the Warren facility to Defendant WCI for an insignificant price compared with the facility's physical assets.<sup>2</sup>

In August 1988, Defendant WCI purchased the Warren facility during a time of major decline in United States integrated steelmaking production.<sup>3</sup> By saving the facility from shutdown, WCI greatly benefitted its workers and the Warren, Ohio, community.

After purchasing the Warren facility, Defendant WCI made major investments in production equipment and facilities. WCI spent more than \$300 million on capital improvements. These capital expenditures also reduced the amounts of pollution.

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<sup>2</sup> On August 31, 1988, Warren Consolidated Industries, Inc., acquired the facility from LTV Steel Company. In December 1991, Warren Consolidated Industries, Inc. changed its corporate name to WCI Steel, Inc.

<sup>3</sup> Product had declined by nearly 50% in a decade. The year WCI purchased the Warren facility marked the seventh consecutive year of loss for the steel industry.

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### **B. Wastewater System**

At its Warren Ohio, facility, WCI has a system for the collection and treatment of wastewater generated in its steel production. The WCI steel facility first collects wastewater from manufacturing areas. This wastewater is then distributed to Pond 5 through a system of underground sewers, pumps, and pipes.

After settling and oil separation processes take place in Pond 5, WCI conveys the wastewater to Pond 6. From Pond 6, WCI pumps the wastewater across the Mahoning River to a central treatment plant.

In 1986, LTV installed Pond 6A to intercept and collect seepage from Pond 6 before it reached the Mahoning River. The seepage collected in Pond 6A is pumped back into Pond 6.

WCI primarily intends the pond system to equalize flow to the central treatment plant, to give storm water surge protection, and to allow the skimming of a substantial portion of oil from the wastewater. Taken together, the areal extent of the Ponds is slightly more than one acre.

This wastewater treatment system was constructed before WCI purchased the Warren facility in 1988. Ponds 5 and 6 have been in use at the Defendant's facility since before 1950. Pond 6A was added in 1986. Ponds 5, 6, and 6A have been in continuous use to the current date.

Ponds 5, 6, and 6A are each unlined earthen surface impoundments.<sup>5</sup> At

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<sup>5</sup> 40 C.F.R. § 260.10. defines a "surface impoundment" as:

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relevant times, these surface impoundments were not equipped with impermeable liners.

Spent pickle liquor is listed by U.S. EPA as a corrosive and toxic hazardous waste under RCRA regulations at 40 C.F.R. § 261.32. However, if the acid was neutralized by the addition of lime, then the pickle liquor would be exempt from RCRA's hazardous waste regulations under the iron and steel industry exemption in 40 C.F.R. § 261.3(c)(2)(ii)(A).<sup>27</sup>

By its nature, the steel industry often uses corrosive materials. WCI uses spent hydrochloric pickling acids, acidic rinse waters, and acidic fume scrubber wastewaters. Occasionally, WCI would inadvertently release quantities of these substances. When such spills occurred, they more often occurred near the picklers than anywhere else. The picklers provided secondary containment for the acid tubs, designed to retain acid leaks or spills. WCI experienced leaks from the acid tubs on an infrequent basis. When such leaks occurred, WCI sought to isolate and neutralize the spilled acid, or

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a facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials), which is designed to hold an accumulation of liquid wastes of wastes containing free liquids, and which is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, ponds and lagoons.

<sup>27</sup> 40 CFR § 261.3(c)(2)(ii) provides, in part:

(ii) The following solid wastes are not hazardous even though they are generated from the treatment, storage, or disposal of a hazardous waste, unless they exhibit one or more of the characteristics of hazardous waste:

(A) Waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from the iron and steel industry (SIC Codes 331 and 332).

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"pickle liquor."

Before 1993, WCI used a procedure of manually adding lime to the wastewaters when the wastewater pH fell to between 3 and 4 s.u. as measured by the influent probe at the central treatment plant. Under this procedure, employees would add a certain number of 50-pound bags of lime to the wastewater. As to this decision, Environmental Engineer Richard Gradishar usually decided how many bags to add based upon the pH of the wastewater. However, WCI did not conduct any testing to learn whether the lime succeeded in neutralizing the acid.

In the early 1990s, WCI considered replacing Ponds 5, 6, and 6A with a second-hand four million gallon above-ground tank. WCI obtained a permit from the EPA to install the tank. After obtaining this permit, WCI discovered that the tank was no longer in usable condition. Defendant WCI therefore did not complete the project.

### C. History of Environmental Review

With this action, the Plaintiff United States alleges that WCI was subject to RCRA because it dealt with hazardous substances without a permit. Defendant WCI does not have a permit issued pursuant to 42 U.S.C. §§ 6925 and 6926 to manage, treat, or store hazardous wastes in Ponds 5, 6, and 6A. Nor does WCI qualify for interim status under § 6925, which would temporarily exempt WCI from the permit requirement.<sup>27</sup>

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<sup>27</sup> In order to qualify for such interim status, a facility had to demonstrate that: 1) it was in existence on November 19, 1980; 2) it had complied with Section 8010(a) of RCRA concerning notification



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Shortly after purchasing the WCI facility in 1988, Defendant WCI applied for a National Pollutant Discharge Elimination System Permit. After approving this application, the Ohio EPA allowed WCI to use Ponds 5, 6, and 6A as sedimentation units under the Clean Water Act. However, the permit did not authorize WCI to treat, store, or dispose of hazardous wastes in Ponds 5, 6, or 6A.

Defendant WCI next applied for and received an EPA Part B permit, authorizing the storage of spent pickle liquor processed through tanks. The EPA Part B permit required WCI to manage hazardous waste only according to the permit's provisions. The Part B permit forbade any management of hazardous waste not authorized by the permit or otherwise exempted by law. In particular, the Part B permit did not authorize WCI to treat, store or dispose of spent pickle liquor or corrosive characteristic wastes in Ponds 5, 6, or 6A.

As part of its Part B permit, Defendant WCI installed groundwater monitoring wells near Ponds 5, 6, and 6A in April 1988. The results from these wells do not indicate that the Ponds adversely affect the groundwater.

Within Ohio, the Ohio EPA administers the RCRA hazardous waste management program as the U.S. EPA's delegee under authorization by the U.S. EPA.<sup>2</sup> As the U.S. EPA's authorized delegee, the Ohio EPA had authority to inspect

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of hazardous waste activity; and 3) it had made an application for a permit. Section 3005(e) of RCRA. 42 U.S.C. § 6925(e). Here, WCI neither provided notice of its hazardous waste activity nor made an application for a permit.

<sup>2</sup> On June 30, 1989, the Ohio EPA was granted final authorization to administer and enforce the RCRA program as the U.S. EPA's authorized delegee pursuant to Section 3006 of RCRA.

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WCI's facility and to decide whether WCI met the standards of RCRA and analogous Ohio law.

Since 1981, the Ohio EPA has conducted at least twelve hazardous waste compliance inspections of the facility. In conducting these inspections, the Ohio EPA had access to all WCI facilities. At the time of the inspections, WCI told the Ohio EPA that these surface impoundments were used as solid waste management units for waste waters from the cold rolling, coated products, and pickling operations.<sup>10</sup> After conducting these reviews, the Ohio EPA has never alleged or determined that the Ponds were hazardous waste units under RCRA.

## II. Sampling

### A. Consultant Sampling

As indicated, the Plaintiff United States alleges that WCI handled corrosive wastes that were hazardous. Because it has scant sampling data of its own, the United States relies upon studies undertaken by others at various times.

Defendant WCI employed engineers who took samples on at least two occasions. On June 20, 1989, Duncan, Lagnese & Associates conducted hourly sampling of the wastewater in the surface impoundments.<sup>11</sup> Of twenty-four grab samples collected by these engineers, twenty-one had a pH value of 2.0 s.u. or below. These samples were

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<sup>10</sup> Testimony of Ohio EPA employee Kristen Switzer at 27-28.

<sup>11</sup> One sample was gathered every hour for twenty-four hours.

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**Gwin, J.**

not taken as part of a sampling plan of the whole ponds.

In 1990, WCI's contractor, Remcor, Inc., sampled the sludges in Ponds 5 and 6 following a formal sampling plan. After conducting this sampling, Remcor found the sludges were not corrosive or hazardous.

In October 1993, engineers Killam Associates conducted a study for WCI. While doing this study, Killam collected three grab samples from the bosh box that channels wastewater to the surface impoundments. The three samples collected by Killam had pH values of 1.3, 1.7 and 2.0 s.u., respectively. After completing this sampling of the bosh box, Killam Associates gave the opinion that the pH of the wastewater in the surface impoundments was between 1.9 and 2.0 s.u. These Killam Associates samples were not taken as part of a sampling plan that sought to find the average properties of the whole ponds.

#### **B. 1993 U.S. EPA Multimedia Inspection**

Beginning on May 12, 1993, the U.S. EPA conducted a "multimedia" inspection of WCI's facility under the Clean Water Act, the Clean Air Act, RCRA, and the Toxic Substances Control Act. During this inspection, the U.S. EPA collected a grab sample of wastewater being pumped from Pond 6A to Pond 6. U.S. EPA took the sample from the flow of the wastewater as it entered Pond 6. The field measurements of this sample revealed a pH of 1.81 s.u., below the regulatory limit of 2.0 s.u.

On June 15, 1993, the U.S. EPA inspectors returned and took another grab

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sample of water from Pond 6A. The sample's pH was above 2.0 s.u.

During this June 1998 inspection, the U.S. EPA also collected a sample of wastewater from a process that uses acid pickle liquor to treat steel. The U.S. EPA field measurements of this sample showed a pH of 1.65 s.u. The U.S. EPA also collected a grab sample from wastewater flowing from Pond 6 at the point where it commingles with wastewater from the Basic Oxygen Furnace. The field measurements of the sample showed a pH of 1.67 s.u.

#### C. Central Treatment Plant Aeration Influent Probe

WCI's wastewaters are pumped from Pond 6 to an inlet box outside the central treatment plant. In support of its claim that WCI's wastewater was corrosive, the United States principally relies upon WCI's own pH readings taken at the influent probe outside the central treatment plant.

While EPA regulations did not require WCI to monitor the pH at the central treatment plant, it nonetheless did so. To treat its wastewater, WCI has measured the pH of the wastewater as it flows through the central treatment plant. At this point, the influent box receives wastewater from Pond 6 and other process sources.

To make these measurements, WCI uses several pH probes that continuously monitor the pH of the wastewater as it flows through the central treatment plant. WCI put one inflow pH probe at the aeration influent box.

The pH meter at the aeration influent box measures the pH of the wastewater

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as it flows from Pond 6 into the central treatment plant. WCI submerges this probe in the flow of the wastewater as it enters the aeration influent box.<sup>18/</sup>

At least once a week, WCI Combustion Department personnel calibrate the pH meter used to measure the pH of Pond 6 influent wastewater. Defendant WCI argues that the method used to calibrate this probe resulted in inaccurate.

EPA guidelines recommend a two-standard calibration technique to calibrate pH meters. To calibrate the probe, the Combustion Department personnel use two buffer solutions with specified pH. Typically, they use buffer solutions with pH of 2.0 and 4.0. In contrast, pH calibration is better done using a neutral buffer solution of 7.0 with a second solution with pH of either 4.0 or 10.0. It is unlikely that the maintenance crew could achieve completely accurate probe calibrations using the buffer solutions with pH of 2.0 and 4.0.

Amounts of oil and grease were usually in the wastewater influent as it enters the central treatment plant. The oil and grease can quickly coat a pH probe, rendering its readings less accurate. Oil and grease can foul a probe if they are present in sufficient concentration.

Because of the presence of oil and grease in the wastewater flowing into the central treatment plant, plant operators cleaned the influent pH probe by removing the

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<sup>18/</sup> The pH meter used by WCI to measure the pH of Pond 6 influent wastewater is a glass membrane electrode selective for hydrogen ion in combination with a pH meter. The pH meter used by WCI to measure Pond 6 influent pH is equipped with a microprocessor that handles the mathematics of the measurement. The pH meter used by WCI to measure the pH of Pond 6 influent wastewater displays the numerical pH value.

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submerged probe from the flow of the wastewater and dipping the probe in acid. The operators cleaned the influent pH probe in an acid solution once per shift, or three times per day. Though a brief exposure to an acid solution can effectively clean mineral deposits from a pH electrode, it is not an effective cleaning agent for oil and grease deposits. These problems make the influent probe readings less accurate.

Defendant WCI recorded the readings from the pH meters at the aeration influent box every two hours from September 1, 1988 to February 22, 1995, and every hour from February 23, 1995 to July 31, 1998.

Between September 1, 1988 and July 31, 1998, WCI's central treatment plant operators recorded more than 11,000 pH values of 2.0 s.u. or less for Pond 6 wastewater entering the central treatment plant. Such readings occurred on 1,361 different days. At least one reading of 1.7 s.u. or less occurred on 577 different days. Also, the central treatment plant operators recorded at least 31 pH measurements of 12.5 s.u. or above for Pond 6 wastewater entering the central treatment plant. Taken as a whole, these measurements did not significantly vary from 1989 to December 1993.

In December 1993, WCI installed an automated lime slurry injection system at the No. 9 Lift Station. For a period, this lime injection system reduced, but did not completely stop pH readings of 2.0 s.u. or less.<sup>19</sup> The system has now eliminated

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<sup>19</sup> After installation of the lime injection system in December 1993, central treatment plant operators recorded an additional 858 measurements on 77 separate days of 2.0 s.u. or less for the wastewater in Pond 6 over the next two years.

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measurements with a pH of 2.0 a.u. or less at the influent probe to the central treatment plant.

#### D. Grab Samples

Beyond measurements made with the influent probe, the central treatment plant operators also recorded grab sample pH measurements for Pond 6 wastewater as it entered the aeration influent box at the central treatment plant. WCI made 197 pH measurements via such grab samples. Operators took these samples by placing a laboratory beaker in the flow of the wastewater as it enters the aeration influent box. The central treatment plant operators then measure the pH of the grab samples with a bench meter in the central treatment plant office. The taking of grab samples is a method for checking the accuracy of in-line pH probes.

These grab samples showed pH readings of 2.0 a.u. or less on many occasions.

#### E. Sludge Sampling

Several samples of sludge from Pond 6 were also tested for pH values. In October 1985, an LTV contractor tested 30 samples of sludge from Ponds 5 and 6 and found an average pH of the sludges to be 6.3, with all measurements falling within the range of 5.5 to 7.5.

In 1990, a WCI contractor sampled the sludges in Ponds 5 and 6 and found they were nonhazardous. And in 1996 and 1998, sampling performed by a WCI consultant

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again found the pH of the Ponds' sludges ranged between 5.4 s.u. and 10.9 s.u.

Thus, there is no evidence that any sludge from Ponds 5 or 6 was ever hazardous. Only wastewater measurements indicate potential corrosiveness.

Having set forth relevant findings of fact, the Court now offers its conclusions of law.

### III. CONCLUSIONS OF LAW

#### A. Overview of RCRA

The Resource Conservation and Recovery Act, 42 U.S.C. § 6901 *et seq.* ("RCRA") was enacted in 1976 to regulate the treatment, storage, transportation, and disposal of hazardous wastes. RCRA seeks to ensure that such wastes are "managed in a manner which protects human health and the environment." 42 U.S.C. § 6902(a)(4) and (b). Subtitle C of RCRA establishes a comprehensive federal regulatory program for the management of hazardous waste. 42 U.S.C. §§ 6921-6939.

42 U.S.C. § 6925(a) prohibits the operation of any facility that treats, stores, or disposes of hazardous wastes, except in accordance with a permit. *United States v. Heuer*, 4 F.3d 723, 730 (9<sup>th</sup> Cir. 1998) ("It is fundamental that an entity which performs a hazardous waste activity for which a permit is required under RCRA may not legally perform that activity unless it has a permit for the relevant activity."). Moreover, a party receiving a permit to store or dispose of hazardous waste must thereafter comply with the requirements of the permits.



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If certain requirements are met, RCRA allows states to operate hazardous waste regulatory programs in lieu of the federal program. 42 U.S.C. § 6926(b). Even where a state is given authority to operate such a regulatory program, the United States retains the right to enforce the state authorized programs. 42 U.S.C. § 6928(a)(2). On June 30, 1989, the U.S. EPA granted final authorization to the State of Ohio to administer and enforce the State's hazardous waste program in the State of Ohio. 42 U.S.C. § 6926(b). The Ohio EPA administers the RCRA program within Ohio.

Under 42 U.S.C. § 6928(a), the United States may file a civil action in federal district court to obtain appropriate relief, including a temporary or permanent injunction upon obtaining information that any person has violated or is violating any requirement of RCRA. If a violation is shown, 42 U.S.C. § 6928(g) provides for a civil penalty in an amount not to exceed \$27,500 per day of noncompliance for each violation.<sup>14</sup>

The Plaintiff United States has the burden to establish each of the elements of liability under RCRA. In showing liability, the applicable statute of limitations, 28 U.S.C. § 2462, stops any claim for penalty for a violation before May 11, 1993.<sup>15</sup>

To establish a violation of RCRA, the United States must prove four general elements: (1) that WCI is a "person" within the meaning of RCRA; (2) that WCI's

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<sup>14</sup> 42 U.S.C. § 6928(g) provides for a civil penalty in an amount not to exceed \$25,000 per day of noncompliance for each violation. This amount has been adjusted pursuant to the U.S. EPA Civil Monetary Penalty Inflation Adjustment Rule, to \$27,500 per day.

<sup>15</sup> Pretrial Order, Uncontroverted Fact No. 3.

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Warren, Ohio steel plant is a "facility" within the meaning of RCRA; (3) that WCI did not have a permit or interim status for the treatment, storage, or disposal of hazardous waste in the ponds; and (4) that WCI treated, stored, or disposed of hazardous waste in the ponds. *United States v. T & S Brass & Bronze Works, Inc.*, 681 F. Supp. 314, 317 (D.S.C. 1988); *United States v. Conservation Chemical Co.*, 733 F. Supp. 1215, 1220 (N.D. Ind. 1989).

Defendant WCI acknowledges that it is a "person" within the meaning of 42 U.S.C. § 6903(15) and that WCI's integrated steel plant, and all buildings, structures, and surface impoundments located there, comprise a "facility" within the meaning of 40 C.F.R. § 260.10. WCI also concedes it did not have a permit for the treatment, storage, or disposal of hazardous waste. WCI disputes only that it treated, stored or disposed of hazardous waste.

The Court now addresses the standards by which hazardous waste is identified. The Court then determines whether, upon applying these standards, WCI has violated RCRA.

## B. Standards for Determining "Hazardous Waste"

### 1. Regulatory Classification and Corrosivity

RCRA controls the release of a "hazardous waste." If a substance exhibits certain characteristics, industrial wastewaters are subject to regulation under RCRA.

*United States v. Dean*, 969 F.2d 187, 194 (6<sup>th</sup> Cir. 1992).

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42 U.S.C. § 6921 provides two ways in which a waste will be considered "hazardous." First, a waste will be classified as "hazardous" where the EPA has specifically listed the waste as hazardous. By regulation, the EPA has listed a number of wastes as hazardous. 40 C.F.R. §§ 261.91-261.33 (1989). For example, spent pickle liquor, which the United States claims WCI discharged into Ponds 5, 6, and 6A, is a listed hazardous waste under 40 C.F.R. § 261.82.

The EPA will also classify a waste as "hazardous" if it has one or more of the characteristics of ignitability, corrosivity, reactivity, or toxicity. 40 C.F.R. §§ 261.21-.24. Here, the United States claims that WCI stored or disposed of corrosive waste.

Corrosiveness is the property that enables a substance to dissolve material with which it comes in contact. Improperly managed corrosive wastes can pose a substantial present or potential danger to human health and the environment.

As explained in further detail below, under 40 C.F.R. § 261.22 and O.A.C. § 3745-51-22, a waste is corrosive if it is aqueous and has a pH of 2.0 s.u. or less or greater than or equal to 12.5 s.u. Where a surface impoundment contains aqueous water with a pH of 2.0 s.u. or less, on at least one occasion, the water in the surface impoundment is hazardous waste. The United States here principally contends that substances in Ponds 5, 6, and 6A are corrosive, as having had pH of 2.0 s.u. or less.

As noted above, 42 U.S.C. § 6925(a) prohibits the operation of any facility that treats, stores, or disposes of hazardous wastes, except in accordance with a permit.

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*United States v. Heuer*, 4 F.3d 723, 730 (9<sup>th</sup> Cir. 1993). Moreover, a party receiving a permit to store or dispose of hazardous waste must thereafter comply with the requirements of the permits.

If WCI treated, stored, or disposed of waste at the Warren facility, it was required under RCRA to have a permit to do so. It is undisputed that WCI had no permit to treat, store, or dispose of hazardous waste. Therefore, if the Court finds WCI maintained hazardous waste at its Warren facility, WCI has violated RCRA and is subject to fines under RCRA.

The parties offer differing views regarding how the Court should determine whether hazardous waste is treated, stored, or disposed of at WCI's Warren facility. Defendant WCI says the evidence offered by the United States is insufficient to support a finding that WCI maintains hazardous waste at the facility because the substances at the site were improperly sampled. The United States contends that even if the available samples do not conform to a specific methodology described in RCRA's regulations, the weight of evidence supports its contention that WCI treated, stored, or disposed of hazardous waste at the Warren facility.

The Court now examines whether RCRA's regulations require a particular sampling methodology.

## 2. Sampling Methodology

The United States claims WCI violated RCRA's prohibitions against hazardous

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waste by maintaining "corrosive" waste at the Warren facility. The regulations currently define "corrosivity" in the following way:

**Sec. 261.22 Characteristic of corrosivity.**

(a) A solid waste exhibits the characteristic of corrosivity if a *representative sample* of the waste has either of the following properties:

(1) It is *aqueous and has a pH less than or equal to 2 or greater than or equal to 12.5*, as determined by a pH meter using Method 9040 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in Sec. 260.11 of this chapter.

40 C.F.R. § 261.22(a)(1) (emphasis added). Plaintiff United States asserts that WCI violated RCRA by maintaining wastewater with a pH of less than or equal to 2. Under the regulations, the United States must show such violation via a "representative sample" of the water.

RCRA regulations define "representative sample" as "a sample of a universe or whole (e.g., waste pile, lagoon, groundwater) which can be expected to exhibit the average properties of the universe or whole." 40 C.F.R. § 260.10. This definition has remained unchanged since originally promulgated by U.S. EPA in 1980. 45 Fed. Reg. 33066, 33075 (May 19, 1980).

This definition suggests that a finding of a RCRA violation must depend upon reliable and accurate sampling. WCI urges that the Court interpret the regulations to require a particular sampling method before results may be viewed as a reliable and accurate indication of corrosivity. WCI says that the sampling method used makes a

difference because the Pond substances were heterogeneous.<sup>16/</sup> Therefore, unless an appropriate sampling method is used, WCI says the results will not reflect "the average properties of the universe or whole." WCI says that the sampling presented here by the Plaintiff United States does not meet the requirements adopted in the EPA's own regulations.

In contrast, the United States first disputes that a sample needs to reflect the average properties of the whole.<sup>17/</sup> Further, the United States argues that adoption of a sampling plan, and sampling in conformity with such a plan, is not a prerequisite to showing a violation of RCRA. The United States says that the failure to adopt a sampling plan and to comply with that plan goes to the weight of the evidence, rather

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<sup>16/</sup> In an October 1985 study, the engineering firm Duncan, Lagnese & Associates sampled sludge from Ponds 5 and 6. It reported that the waste in the Ponds was heterogeneous, due to "considerable variation from point to point for all parameters measured." Exh. CJ.

Expert Charles Blumenschein testified credibly on this issue:

Q. Do you know whether the waste material in the ponds at WCI is homogeneous or heterogeneous?

A. In my opinion it is not homogeneous its heterogeneous.

Q. And what's the basis for that opinion?

- \* -

A. These the water entering this pond 6, the way the pond is configured, this is a classic example of what we call plug-flow region. In the term of art. But what it means is that as the water enters the pond, it will move down the pond as a river would flow, if you can just visualize this as a river and any water entering here will move down this pond in segments. There is no mixers in this to make it homogeneous, and as the water enters this pond and then ultimately leaves the pond, enters the pipeline and enters this pond and again this water will move through this pond to these pumps and be pumped out and any water here again will enter this pond and be pumped to this pond so this is a classic example of a plug flow region.

<sup>17/</sup> Plaintiff United States proposed conclusion of law No. 24b.

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than its admissibility.

Thus, the Court must first determine whether a sample needs to reflect the average properties of the whole. As to this issue, the United States' argument would turn the language of 40 CFR § 261.22 and 40 C.F.R. § 260.10 on its head. 40 CFR § 261.22 says corrosivity is determined based upon a "representative sample of the waste." 40 C.F.R. § 260.10 says the sample must reflect "the average properties of the universe or whole." In arguing that this Court disregard the ponds as a whole, the United States pushes aside its own regulations.

The Court therefore finds that the samples must be representative of the whole pond before a RCRA violation may be found. The key issue is what sampling method will produce a "representative sample" of the ponds and whether the methods used here produce a sufficiently reliable picture of the average properties of the ponds as a whole.

Defendant WCI argues that Plaintiff United States does not give evidence of representative samples because it failed to use the proper testing method found in Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, EPA Publication SW-846 ("SW-846"). WCI says use of Method 9040, as specified in the Second Edition of SW-846, is required.

In contrast, the United States claims that samples not taken in conformity with Method 9040 can satisfy the requirement that samples exhibit the average properties of the universe or whole. First, the United States contests the applicability of Method

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9040. The United States argues that before 1993, Method 5.2, as set forth in the First Edition of SW-846, was the method for deciding whether a waste was corrosive. Method 5.2's sampling requirements are less strict than the requirements suggested by Defendant WCI. Method 5.2 does not specify methods for determining the number of samples needed to obtain the average properties of the universe or whole. In contrast, Method 9040 does.

Alternatively, the United States says that SW-846 intends only to give guidance, not to mandate requirements. As a guidance document, the United States says SW-846 affords flexibility to use alternative test methods.

To decide this issue, the Court first considers the general applicability of Method 9040. During the relevant periods, RCRA regulations have always referenced certain test methods that are to be used to support a finding of "corrosivity," and, by extension, the presence of hazardous waste. 40 C.F.R. § 260.11 (citing test methods); 40 C.F.R. § 261.22(a)(1) (defining "corrosivity"). As the language of § 260.11 has altered over the years, the parties dispute which test method applied during the relevant period.

The United States argues that until August 31, 1993, 40 C.F.R. § 261.22(a)(1) required use of Method 5.2, as set forth in the First Edition of SW-846.<sup>19</sup> Specifically, until August 31, 1993, Section 261.22 provided, in pertinent part:

(a) A solid waste exhibits the characteristic of corrosivity if a representative sample of the waste has either of the following properties:

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<sup>19</sup> 40 C.F.R. §§ 260.11 and 261.22(a)(1) (1988-1993 Editions).



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(1) It is aqueous and has a pH less than or equal to 2 or greater than or equal to 12.5, as determined by a pH meter using either an EPA test method or an equivalent test method approved by the Administrator . . . . *The EPA test method for pH is specified as Method 5.2 in "Test Methods for Evaluation of Solid Waste, Physical/Chemical Methods"* (incorporated by reference, see 260.11).

40 C.F.R. § 261.22(a)(1) (1993 edition) (emphasis added).

The Second Edition of SW-846 was formally adopted as part of Section 260.11 on September 21, 1982.<sup>18</sup> The Second Edition of SW-846 contains a "Conversion Table" which correlates the section and method numbers used in the First Edition of SW-846 with "the location of their replacements" in the Second Edition. SW-846 describes this conversion table as giving "the replacements" of the methods used in the First Edition of SW-846. In this Table, Method 5.2 is expressly replaced with Method 9040. However, the language of the regulation, 40 C.F.R. § 261.22(a)(1), retained its reference to Method 5.2 even as it referred parties to SW-846. The Second Edition of SW-846, and the conversion table within it, remained in effect until August 31, 1993, when the Third Edition of SW-846 was adopted.<sup>19</sup>

Defendant WCI points out that the Second Edition of SW-846's cross-index supports the conclusion that Method 5.2 was replaced by Method 9040. Also, soon after the formal adoption of the Second Edition of SW-846, the U.S. EPA issued a Technical Amendment which also noted the change from Method 5.2 to Method 9040. 48 Fed.

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<sup>18</sup> 47 Fed. Reg. 41562 (1982).

<sup>19</sup> 58 Fed. Reg. 46040 (1993).

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Reg. 15256 (1983). Further, WCI also points to communication made in 1993 by the EPA at the time it adopted the Third Edition of SW-846. In August 1993, the Agency formally clarified that "[t]he EPA method number for pH is incorrectly referenced in Section 261.22(a)(1) as Method 5.2. Therefore, the Agency is deleting the reference to Method 5.2 in that section and replacing it with the correct reference to Method 9040." 58 Fed. Reg. 46047 (1993). Thus, the EPA changed the regulations to reflect what had already been indicated in SW-846 for years: that Method 9040 replaced Method 5.2.

In short, WCI argues that even though the *regulations* did not specifically mention Method 9040 until 1993, 40 C.F.R. § 261.22(a)(1) always defined corrosivity by reference to SW-846, in which Method 9040 replaced 5.2. Therefore, WCI argues that Method 9040 applied from at least 1984 to August 1993.

WCI makes a strong argument that Method 9040 was effective for the times relevant here. However, assuming the applicability of Method 9040, the Court finds that strict adherence to Method 9040 is not required to show that WCI violated RCRA. Reliability and accuracy of samples may be shown by methods other than Method 9040.

Arguing otherwise, WCI contends that corrosivity can only be established if the Plaintiff United States shows that Ponds 5, 6, and 6A had a pH of 2.0 or less using a pH meter in accordance with Method 9040. To comply with Method 9040, WCI says sampling must follow a statistically-valid sampling plan prepared in accordance with Section One of SW-846. Method 9040, §6.1.

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However, relevant language in SW-846 belies WCI's argument. SW-846 provides that a sampling plan is more statistically valid if it provides for "some form of random sampling" so that "every unit of the population (e.g. every location in a lagoon used to store a solid waste) has a theoretically equal chance of being sampled and measured," thus ensuring that "the sample is representative of the population." Section One, SW-846, Second Edition, § 1.1.2.

"Sampling precision is *most commonly achieved* by taking an appropriate number of samples from the population." Section One, SW-846, Second Edition (emphasis added). SW-846 provides a statistical equation to be used in determining the "appropriate number of samples."<sup>21</sup> Compliance with the statistical calculations in SW-846 establishes "a scientifically credible sampling plan" for characterizing waste." *Id.* at Section 1. Specifically, SW-846 says that "solid wastes contained in a landfill or lagoon are [usually] *best* sampled using the three-dimensional random sampling strategy." *Id.* (emphasis added).

SW-846 also says that "[l]agooned waste that is either liquid or semisolid is often best sampled using the methods recommended for large tanks." In describing the method used for sampling large tanks, SW-846 says "a representative set of samples is best obtained using the three-dimensional simple random sampling strategy described in Section 1.4.1."

In Section 1.4.1 of SW-846, the EPA says:

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<sup>21</sup> Table 1, Equation 8, in Section One of SW-846.

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The number of samples required for reliable sampling will vary depending on the distribution of the waste components in the container. As a minimum with unknown waste, a sufficient number and distribution of samples should be taken to address any possible versicle anomalies in the waste.

SW-846 at 1.4.1.

Under these provisions, sampling of Ponds 5, 6, and 6A *should* involve "a three-dimensional grid of sampling points and then using random number tables or generators to select points for sampling." *Id.* at 1.4.4.

As indicated, Method 9040 suggests that sampling *should* be done consistent with a sampling plan involving a sufficient number of samples. While such sampling is preferred, WCI does not show that the Plaintiff United States cannot proceed absent sampling in conformity with Method 9040.

Other courts have come to similar conclusions. In *United States v. Self*, 2 F.3d 1071 (10<sup>th</sup> Cir. 1993), the defendant, facing criminal charges, argued that the government failed to present evidence that certain hazardous wastes were sampled in accord with an EPA-approved test method. Rejecting this argument, the Tenth Circuit held that "[w]hile an EPA-approved test of the material would have been persuasive evidence as to whether the material was hazardous waste, the government was not required to prove this element through test data." *Id.* at 1086.

To like effect, in *United States v. Baybank, Inc.*, 934 F.2d 599 (5<sup>th</sup> Cir. 1991), the government brought a criminal claim under RCRA. In that case, the government did not have sampling of the relevant drums, nor other sampling taken in conformity with

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EPA regulations. Instead, it relied upon company documents and testimony from persons in contact with the relevant drums. In finding the evidence sufficient to support a criminal conviction, the Fifth Circuit held:

The government admits no drum samples were taken, but relies on Baytank records, and testimony as to its practices at the times charged, to show that the drums were used to store the 'slops' or residue of hazardous chemicals that had been extracted either for sampling or line cleaning purposes. We agree that these documents, including drum inventories, a hazardous waste log, and internal memoranda, as well as the testimony at trial, all amply demonstrate that many of these drums containing hazardous wastes were stored for longer than 90 days.

*Id.* at 614.

Other courts have held that the failure to adhere to SW-846's precise framework does not stop a finding of hazardous substances. See, e.g., *United States v. Taylor*, 802 F. Supp. 116, 119 (W.D. Mich. 1992), vacated on other grounds, 8 F.3d 1074 (6<sup>th</sup> Cir. 1993) (sample analyzed under a test method not approved by EPA sufficient to establish threat of contamination under CERCLA). Further, failure to rigidly adhere to SW-846 does not render the sampling evidence inadmissible. *People v. Hale*, 29 Cal. App. 4th 730, 734 (1994) ("We discern no per se rule which automatically precludes the introduction of evidence of disposal of hazardous waste just because the gathering of the sample does not follow every jot and tittle of the EPA manual."). Any deviation from the guidance goes to the weight of the evidence and not its admissibility. *People v. Sangani*, 22 Cal. App. 4th 1120, 1138-1137 (1994) ("Failure to follow precise regulatory or statutory requirements for laboratory tests generally does not render the

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test results inadmissible, but instead goes to the weight accorded to the evidence." <sup>29</sup>

Consequently, although Method 9040 controlled sampling before 1993, the Court finds that strict adherence with Method 9040, including grid sampling pursuant to a plan, is not required to show that Ponds 5, 6, and 6A were corrosive. While sampling done in conformity with Method 9040 is preferable and more persuasive, evidence not conforming with the sampling provisions of SW-846 can support a finding that WCI generated hazardous substances subject to RCRA.

### 3. Required Showing

To show that Ponds 5, 6, and 6A contained hazardous substances and were, as a result, subject to the cradle-to-grave restrictions of RCRA, the Plaintiff United States must show, via representative samples, only that the surface impoundment contained aqueous water with a pH of 2.0 s.u. or less, on at least one occasion. *United States v. Conservation Chemical Co.*, 733 F. Supp. 1215, 1224 (N.D. Ind. 1989) (finding that an aqueous solid waste exhibits the characteristic of corrosivity if it is properly tested and found to have a pH less than or equal to 2 "on at least one occasion"); *State v. PVS*

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<sup>29</sup> Courts show deference to the interpretation of regulation given by administrative agencies charged with their enforcement. *United States of America v. Mobil Oil Corporation*, 1997 WL 1048911 (E.D.N.Y. 1997). In *Mobil Oil*, the company sought to offer evidence not in conformity with the regulations given by the U.S. EPA. Rejecting Mobil's evidence, the court set forth a standard of review applicable to a claim that the sampling methods utilized are invalid. Under the court's test, it is not enough for WCI simply to "offer[ ] an alternative reading of the law." *Id.* at \*9. Instead, WCI must establish that EPA's interpretation is "plainly erroneous" and that WCI's reading is "compelled by the regulation's plain language" or the Administrator's intent at the time the regulation was promulgated." *Id.* (quoting *Thomas Jefferson University Hospital v. Shalala*, 512 U.S. 504, 512 (1994)).

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*Chemicals, Inc.*, 50 F. Supp.2d 171 (W.D.N.Y. 1998) (finding discharges of acidic water that fell below pH of 2 on 4 occasions out of 51 samples taken over course of 6 years was hazardous).

In order to be valid, sampling must show that it is random, that is, that "every unit of the population (e.g., every location in a lagoon used to store a solid waste) has a theoretically equal chance of being sampled and measured," thus ensuring that "the sample is representative of the population." Section One, SW-846, Second Edition, at 1.1.2.

With these principles in mind, the Court examines the samples presented by the government as evidence of RCRA violations.

### C. Assessment of Samples

In claiming that Defendant WCI's Pond 5, 6, and 6A are subject to regulation under RCRA, the United States relies upon a limited number of testings done by U.S. EPA personnel and the large number of tests recorded by Defendant WCI's personnel at the intake to the central treatment plant.

WCI says the limited number of samples taken by the U.S. EPA are insufficiently representative of the ponds to serve as proof of a violation. WCI also says the 11,000 samples it recorded are insufficiently representative of wastewaters held in Ponds 5, 6, and 6A because the measuring probes were miscalibrated. Because none of the samples the government relies on were taken pursuant to Method 9040, WCI

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says there is insufficient evidence that it maintained hazardous waste at the Warren facility.

As discussed, the Court finds Method 8040 preferable for showing a RCRA violation, but it is not the exclusive means with which the government can support its case. The Court must now determine whether the available samples provide a reliable indicator that WCI maintained hazardous waste at the Warren facility.

Plaintiff United States shows sampling performed by WCI at the influent to Pond 6. The government produced WCI's internal "Turn Audit" forms reflecting pH measurements taken between 1988 and 1998. WCI tested over 300 samples a month at Pond 6 during these years.<sup>29</sup> The turn audit forms indicate that over 11,000 samples taken during these years had a pH of 2.0 or less.<sup>30</sup> WCI's operators made readings of 2.0 s.u. or less for Pond 6 wastewater entering the central treatment plant on 1,361 separate days, including 577 days during which readings of 1.7 s.u. were taken at the influent probe.

During several months, virtually all the samples indicated low pH levels. In May 1991, 96.7% of the 369 samples taken that month indicated a pH level of 2.0 or below. In August 1991, 99.2% of the 372 samples taken that month registered at 2.0 or below, with 297 samples reflecting a pH of 1.7 or below. In May 1993, 90.9% of the

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<sup>29</sup> In July 1990, WCI took 240 samples. In every other month during the ten-year period, WCI took more than 300 samples.

<sup>30</sup> There were only 13 readings of 2.0 or less in 1995 and none in 1996 through 1998. Therefore, the bulk of the low pH readings date from 1988 to 1994.



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372 samples taken that month had a pH level of 2.0 or below, with 268 samples reading 1.7 or below.

At the rate WCI pumps water out of the pond, there is a complete turnover of pond water every three to four days. Thus, months during which low pH levels were the norm provide strong evidence that the samples were representative of the pond water as a whole during that time and that the water contained hazardous waste.

Though WCI levels valid criticism at the reliability of the influent pH probe, the measurements obtained from the probe are nevertheless probative of the wastewater's hazardous nature. An extremely large number of influent probe pH readings show corrosivity, including many readings with very acidic pH levels. Even if the pH calibration were not precise, any error was unlikely to account for the extremely low pH readings.

This is so because pH is measured on a logarithmic scale: as pH measurements move down the scale, the measure of acidity in a substance increases exponentially. A substance with a pH of 1.8 s.u. has twice the hydrogen ion (or acid) concentration of a substance with a pH of 2.0 s.u.. The difference between the measurement units is .2. But because of the logarithm, the .2 difference between 1.6 and 1.8 represents a greater increase in acidity level than does the .2 difference between 1.8 and 2.0. Therefore, even if WCI's probes were not calibrated precisely in relation to 2.0, the extremely low readings represent strong evidence of acidity because they represent such exponential change in acid levels.

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Indeed, even SW-846 notes that when measurements fall far below the threshold allowed level, a method with lower accuracy and precision is tolerable:

*It is now apparent that a judgment must be made as to the degree of sampling accuracy and precision that is required to reliably estimate the chemical characteristics of a solid waste for the purpose of comparing those characteristics to applicable regulatory thresholds. Generally, high accuracy and high precision are required if one or more chemical contaminants of a solid waste is present at a concentration that is close to the applicable regulatory threshold. Alternatively, relatively low accuracy and low precision can be tolerated if the contaminants of concern occur at levels far below or far above their applicable thresholds.*

SW-826, §1.1.1, ¶ 3 (emphasis added). Although high accuracy and precision is preferred, the reading of 1.3, for example, reliably shows corrosivity even if taken through a less than ideal sampling method because it falls so far below the threshold of 2.0.

The United States does not rely solely on the measurements from the influent probe. The United States gives evidence from a WCI consultant engineer who took grab sample pH measurements on October 14 and 15, 1993, which showed pH of 2.0 or lower at the bosh box location.<sup>29</sup> Importantly, one of these samples had the extremely low pH value of 1.3 s.u. while another had the extremely low value of 1.7 s.u. Also, a large number of grab bag samples, tested on bench pH meters, indicate corrosivity. Finally, although limited, U.S. EPA sampling shows corrosivity.

In light of the substantial evidence presented by the United States, the Court

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<sup>29</sup> Consultant Killam collected three grab samples from the bosh box that channels wastewater to the surface impoundments. The three samples had pH values of 1.3, 1.7 and 2.0 s.u., respectively.

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finds that during periods of WCI's ownership, the wastewater treated, stored, and disposed of by WCI in Ponds 5, 6, and 6A exhibited the hazardous waste characteristic of corrosivity, within the meaning of 40 C.F.R. § 261.22. Thus, WCI Ponds 5, 6, and 6A were subject to RCRA.

However, the Government fails to show spent pickle liquor, subject to RCRA, was deposited into Ponds 5, 6, and 6A. The Court finds that WCI always neutralized any spent pickle liquor or acid spillage with excess lime. Lime-neutralized spent pickle liquor is exempt from the RCRA's hazardous waste regulations under the iron and steel industry exemption in 40 C.F.R. § 261.3(c)(2)(ii)(A).

#### IV. Violations of RCRA

The Court has determined that there is sufficient evidence that WCI treated, stored, or disposed of hazardous waste at its Warren facility. Maintaining such hazardous waste triggers several requirements under RCRA. As detailed below, WCI's failure to comply with these requirements subjects it to penalties under RCRA.

##### A. First Claim for Relief

40 C.F.R. § 260.10 provides, in part:

[A] "Hazardous waste management unit" is a contiguous area of land on or in which hazardous waste is placed, or the largest area in which there is significant likelihood of mixing hazardous waste constituents in the same area. Examples of hazardous waste management units include a surface impoundment, a waste pile, a land treatment area, a landfill cell, an incinerator, a tank and its associated piping and underlying

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containment system and a container storage area.

40 CFR § 260.10. Ponds 5, 6, and 6A at the WCI's Warren facility are hazardous waste management units. As hazardous waste management units, Ponds 5, 6, and 6A are subject to the provisions of RCRA and analogous state law.

Under 42 U.S.C. § 6925(a) and (e) and Ohio Rev. Code §§ 3734.02(F) and 3734.04, the owner and operator of a hazardous waste management unit is prohibited from operating a hazardous waste management unit except in accordance with a permit issued pursuant to RCRA, unless the facility had interim status.

The wastewater treated, stored, and disposed of through the impoundments was a "solid waste," under 40 C.F.R. § 261.2(a)(2). During periods from 1988 to 1993, the wastewater stored and disposed of by WCI in Ponds 5, 6, and 6A, was also hazardous waste because it exhibited the characteristic of corrosivity, having a pH of 2 or less. Further, Defendant WCI has neither a permit issued pursuant to the provisions of 42 U.S.C. § 6925, nor does WCI have interim status.

Defendant WCI's operation of Ponds 5, 6, and 6A without a permit and without interim status violates RCRA and the federally approved hazardous waste management program for the State of Ohio. Each day that WCI operated Ponds 5, 6, and 6A without a permit or without interim status is a separate violation of RCRA.

#### B. Second Claim for Relief

Ponds 5, 6, and 6A were hazardous waste management units during periods

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from 1988 to 1998. WCI operated these hazardous waste management units without including these hazardous waste management units in any RCRA Part A application, as required by 40 C.F.R. § 270.18 and O.A.C. § 8645-50-48, and without amending any RCRA Part A application.

Each day that Defendant operated Ponds 5, 6, and 6A without including these hazardous waste management units in any Part A application and without amending any Part A application is a separate violation of 42 U.S.C. § 6930 and O.A.C. § 8745-50-48.

#### C. Third Claim for Relief

WCI operated Ponds 5, 6, and 6A as hazardous waste management units without including these hazardous waste management units in any RCRA Part B application, and without amending any RCRA Part B application to include information pertaining to Ponds 5, 6, and 6A. 40 C.F.R. § 270.14 and O.A.C. § 3745-50-44.

Each day that WCI operated Ponds 5, 6, and 6A as hazardous waste management units without including these hazardous waste management units in any RCRA Part B application, and without amending any RCRA Part B application to include information pertaining to Ponds 5, 6 and 6A is a separate violation.

#### D. Fourth Claim for Relief

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Under 42 U.S.C. § 6928(a) and 40 C.F.R. § 270.1(b), a party also may not store hazardous waste in a surface impoundment without a permit or interim status. Ponds 5, 6, and 6A are "surface impoundments" within the meaning of 40 C.F.R. § 260.10.

Under 42 U.S.C. § 6925(j), surface impoundments existing on November 8, 1984, were required to meet minimum technological requirements unless granted an exemption by the U.S. EPA or the State.<sup>20</sup> WCI did not receive interim status. As a facility that did not have a permit and did not have interim status, WCI was required to cease accepting hazardous waste and commence closure. 40 C.F.R. § 265.1(b). As explained earlier, the Court finds that WCI continued to receive hazardous waste after it was not eligible to do so. In continuing to receive hazardous substances, WCI violated RCRA.

WCI continued accepting hazardous wastes at Ponds 5, 6, and 6A, even though it failed to meet the technological requirements of 42 U.S.C. § 6924(o)(1)(A). WCI failed to close Ponds 5, 6, and 6A as required by 40 C.F.R. § 264.228 and O.A.C. § 3745-56-28.

Each day that WCI continued accepting hazardous wastes at Ponds 5, 6 and 6A, even though it failed to meet the technological requirements of 42 U.S.C. § 6924(o)(1)(A) is a separate violation.

#### E. Fifth Claim for Relief

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<sup>20</sup> 42 U.S.C. § 6924(o).

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Under 40 C.F.R. § 264.112 and O.A.C. § 3745-55-12, WCI, as the owner or operator of a hazardous waste management unit, was required to have a written closure plan. The closure plan must identify the steps needed to perform a partial or final closure of the facility.

Defendant WCI failed to have a written closure plan that identified the steps necessary to perform partial or final closure of Ponds 5, 6, and 6A. WCI thus violated RCRA closure requirements described at 40 C.F.R. § 264.112 and O.A.C. § 3745-55-12.

Each day that WCI failed to have a written closure plan that identified the steps necessary to perform partial or final closure of Ponds 5, 6, and 6A is a separate violation.

#### F. Sixth Claim for Relief

Under 40 C.F.R. §§ 264.140 - 264.151 and O.A.C. §§ 3745-55-40 - 3745-55-51, WCI, as the owner or operator of a hazardous waste management facility, was required to have a detailed written estimate in current dollars of the cost of closing hazardous waste management units. WCI was also required to comply with the financial assurance provisions of 40 C.F.R. § 264.143 and O.A.C. § 3745-55-43.

Defendant WCI has failed to comply with the closure costs and financial assurance requirements of 40 C.F.R. Part 264 and O.A.C. § 3745-55-40 - 3745-55-51. Each day that WCI failed to have and maintain a detailed written estimate, in current dollars, of the cost of closing hazardous waste management units to comply with the

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financial assurance requirements is a separate violation.

#### G. Seventh Claim for Relief

The owner or operator of a surface impoundment is required to install, operate, and maintain a ground-water monitoring system which satisfies the criteria contained at 40 C.F.R. Part 264, Subpart F, and O.A.C. §§ 3745-54-90 - 3745-54-99 and 3745-55-01 - 3745-55-02. During periods after November 8, 1988, WCI failed to install, operate, and maintain a ground-water monitoring system that meets the requirements of 40 C.F.R. Part 264, Subpart F, and O.A.C. §§ 3745-54-90 - 3745-55-02.

The failure to operate such a ground-water monitoring system violates RCRA and the federally approved hazardous waste management program for the State of Ohio.

#### H. Eighth Claim for Relief

At times from 1988 to 1993, Defendant WCI disposed of corrosive hazardous waste, having a pH of less than or equal to 2.0, from Ponds 5, 6 or 6A, which did not meet the treatment standards specified at O.A.C. § 3745-59-40 - 3745-59-43, in violation of 40 C.F.R. §§ 268.32 and 268.35(a) and O.A.C. §§ 3745-59-32 and 3745-59-35(A).

In disposing of such waste, WCI violated RCRA and the federally approved hazardous waste management program for the State of Ohio.



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#### V. Penalty

Under 42 U.S.C. § 6928(a) and (g), this Court has power to enjoin WCI and to impose civil penalties for each violation of RCRA and the hazardous waste management program for the State of Ohio. This Court can impose penalties up to \$25,000 per day for each day of violation prior to January 30, 1997 and \$27,500 for each day of violation thereafter.

In determining the appropriate civil penalties, the Court considers the seriousness of the violation, what efforts were made to comply with regulations, the harm caused by the violation, the economic benefit derived from noncompliance, the violator's ability to pay, the government's conduct, and the clarity of the obligation involved. *United States v. Ekco Housewares, Inc.*, 62 F.3d 806, 815 (6<sup>th</sup> Cir. 1995). In determining the penalty, this Court exercises its discretion. *Id.* (citing *United States v. Midwest Suspension and Brake*, 49 F.3d 1197, 1205 (6<sup>th</sup> Cir. 1995)).

#### A. WCI's Past Compliance and Seriousness of the Violation

From the time it assumed operation of the Warren facility in 1988, WCI has denied that it managed hazardous wastes in Ponds 5, 6 and 6A. Because it denied its management of hazardous wastes, WCI failed to provide notice to the U.S. EPA and the State that it managed hazardous wastes in Ponds 5, 6 and 6A and failed to obtain any permit or interim status under RCRA for management of the hazardous waste it maintained in Ponds 5, 6, and 6A.

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42 U.S.C. § 6926(a) prohibits the treatment, storage or disposal of hazardous waste except in accordance with an authorized permit. *Ekco Housewares, Inc.*, 62 F.3d at 809. The receipt of a permit, and compliance with that permit are at the core of the federal hazardous waste management system. *United States v. Heuer*, 4 F.3d 723, 730 (9<sup>th</sup> Cir. 1993) ("It is fundamental that an entity which performs a hazardous waste activity for which a permit is required under RCRA may not legally perform that activity unless it has a permit for the relevant activity."). WCI's failure to obtain a permit and to comply with that permit disregards RCRA's "cradle-to-grave" regulatory structure overseeing the safe treatment, storage and disposal of hazardous waste." *United Technologies Corp. v. EPA*, 821 F.2d 714, 716 (D.C. Cir. 1987).

Yet, WCI has made capital investments that have improved environmental quality. By 1992, WCI had invested \$135 million in a continuous caster and ladle metallurgical facility that lowered costs and improved environmental performance.<sup>27</sup> In addition, WCI used a vigorous recycling program and eliminated about 80,000 tons of materials that formerly went to a landfill. In 1996, the Ohio EPA reported that: "WCI has achieved an 86 percent reduction in their toxic chemical releases from 1988 to 1994 . . . 1994 was WCI's most productive year in their eight-year history. The facility increased production by 6.8 percent over 1993 while reducing toxic release commission by 82.9 percent." In March 1999, the Environmental Defense Fund placed

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<sup>27</sup> The continuous caster and ladle facility eliminated approximately a hundred tons of air pollutants per year.

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WCI in the top third of twenty integrated steel mills in the nation for its pollution control efforts.

In summary, while Defendant WCI failed to comply with RCRA requirements as to Ponds 5, 6, and 6A, it otherwise made efforts to reduce pollution.

### B. Discussion of Harm Caused by Noncompliance

The Court finds no credible evidence of harm caused by Defendant WCI's RCRA violations. First, though long-term effects of hazardous wastewater may be reflected in the sludge that collects in the beneath the wastewater, the Plaintiff United States does not allege that sludge in the Ponds ever had a pH of 2.0 or below. Second, monitoring wells placed downstream from Ponds 5, 6, and 6A show no impact on the environment resulting from the use of these ponds as wastewater treatment units. Finally, the United States does not allege that the Ponds currently contain wastewater with a pH of 2.0 or below.

Where a proven violation of RCRA does not result in "the creation of a situation with the potential to seriously harm the environment," civil penalties have been substantially reduced. *United States v. Lacks Industries, Inc.*, 1990 WL 261387, \*4 (W.D. Mich. June 22, 1990). Thus, in determining an appropriate penalty, this Court takes into consideration the fact that WCI's use of Ponds 5, 6, and 6A has not resulted in any harm to human health or the environment.

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**C. Economic Benefit and Costs Saved**

The Court also considers the economic benefit derived by WCI as the result of its failure to comply with RCRA. On this issue, the parties sharply disagree.

The Plaintiff United States says that WCI benefitted because it avoided expending monies to close Ponds 5, 6, and 6A, including dredging, disposal of dredged materials, and backfilling the ponds. The United States argues that WCI benefitted because it was otherwise required to install tanks to store wastewater with low pH; to set up a groundwater monitoring program; and to provide a closure and post closure plan together with necessary financial assurance. The United States says WCI delayed or avoided expending monies for these purposes and received an economic benefit.

In seeking to quantify this benefit, the United States says the benefit should be measured as the current value of the capital cost of the various expenditures needed to avoid RCRA violations, and the annual operating costs that would have attended earlier compliance, all expressed in today's dollars.

Plaintiff United States claims that Defendant WCI received a total economic benefit of approximately \$9.1 million. According to the United States, the delayed capital expenditures gave WCI a \$6,427,000 benefit and the avoidance of operating and maintenance costs gave WCI a \$2,631,000 benefit.

In reaching its position that WCI obtained economic benefit of \$9.1 million, the United States relies on several core assumptions. The United States relies upon the argument that remediation required moving the majority of the sludges from their

current locations and depositing them in a toxic waste disposal site. If the sludge did not have to be removed, WCI did not receive the benefit of \$2,615,102 for the dredging and backfilling of the impoundments and \$3,696,690 for its disposal.

The Court finds credible WCI's testimony that Ponds 5, 6, and 8A are subject to a risk-based closure that gives consideration to human health and the environment. Under such a closure, the sludge would be left in place, it would be stabilized, and a cover would be placed upon it. Such a risk-based closure might involve moving the sludges from Ponds 6 and 8A to Pond 5, and then putting a cover on Pond 5. A risk-based closure would be significantly less expensive than the dredging and removal plan proposed by the United States. Dr. Kenneth Wise testified credibly that a risk-based resulted in a present value economic benefit of \$732,085, including the cost of a storage tank.

#### D. Present Value Determination

As to the economic benefit derived by WCI from delayed compliance with RCRA, the parties also dispute what rate should be used to determine the present value of the benefit. The Plaintiff United States claims that this Court should use a weighted average cost of capital rate of 8.5 percent for both past amounts benefitted and for future benefits.

In contrast, the Defendant WCI suggests that the rate should be different for both past and future benefit. For past costs, WCI suggests the use of an after-tax, risk-

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free rate is correct. WCI argues that no uncertainty attends the amount and the risk-free return is the only economic benefit that a company earns from delaying an expenditure. WCI argues that any return above the risk-free rate does not reflect delay, but instead reflects risk.

As to future benefit, WCI says there is uncertainty. Future benefits are not risk free. As a result, WCI says a discount rate reflecting this risk should be used. Specifically, WCI argues that future benefits should be computed by using an after-tax corporate borrowing rate. WCI suggests a 9.6 % rate should be used, based upon the current yield of WCI bonds.

The central issue is whether a rate reflecting risk should be used as to past benefits or obligations. Any return above the risk-free rate is earned not from delay but by assuming risk, and therefore is not properly considered economic benefit from noncompliance. Because this amount is known and the existence and solvency of the party is also known, it is inappropriate to increase the rate to reflect risk. As to this issue, the Court finds Defendant WCI's argument to be more persuasive. After observing the testimony of all the experts, the Court finds WCI's expert Kenneth Wise most credible.

In determining economic benefit, the Court therefore finds an after-tax, risk-free rate is correct.

#### E. Period for Determination of Economic Benefit.

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For determining economic benefit, the Plaintiff United States says that computation should accrue from the initial dates of noncompliance until actual compliance is achieved. Thus, the United States argues that economic benefit should be calculated from November 1988, the first date of noncompliance.

RCRA encompasses both current and continuing violations, even if the latter originated in activities occurring before the applicable date of the statute. *State v. PVS Chemicals, Inc.*, 50 F. Supp.2d 171, 180 (W.D.N.Y. 1998). Thus, there is little doubt that the Court may consider WCI's conduct prior to May 11, 1993, to determine whether WCI is subject to, and violated, RCRA.

However, the assessment of a civil fine for such a violation is limited by the federal statute of limitations found in 28 U.S.C. § 2462:

Except as otherwise provided by Act of Congress, an action, suit or proceeding for the enforcement of any civil fine, . . . [or] penalty . . . shall not be entertained unless commenced within five years from the date when the claim first accrued.

28 U.S.C. § 2462. Thus, while the economic benefit WCI received from violating RCRA prior to May 11, 1993 may be relevant to an examination of the extent of the violations, the scope of injunctive relief, and WCI's good faith in remedying known violations, it is not determinative of this Court's assessment of a fine.

#### F. Ability to Pay

The Plaintiff United States and Defendant WCI dispute WCI's ability to pay a substantial penalty. The United States argued that WCI could and should pay a

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penalty of \$34 million. In major part, the United States bases this position upon certain high dividends that WCI paid its corporate owner in recent years.

WCI challenges its ability to pay such a penalty with impunity. WCI says it needs to invest \$40 million in capital annually and this investment would be impaired by such a penalty.

WCI has made profits in some recent years. However, it faces increased competition, especially during business downturns, from numerous competitors. First, cheap Asian steel has flooded the U.S. and world markets. As a result, U.S. steel imports increased 33% from 1997 to 1998, despite the fact that 1997 itself recorded high imports. As a result of these imports and the consequent competition, prices will remain low, with lower profit margins.<sup>29</sup>

Second, mini-mill capacity has also increased, resulting in lower prices and margins. This problem is likely to continue.

Third, this price competition with resulting pressure on margins has occurred during a time of economic expansion. When the inevitable downturn occurs, the pressure on producers will increase. As an unaffiliated operation, WCI will likely face even greater pressure during the next contraction.

Operating income, after taking away unrelated financial expenses, declined from \$77 million (\$58 per ton) in 1997 to \$62 million (\$44 per ton) in 1998. For the most recent quarter, ending January 31, 1999, WCI's operating income was a \$613,000 loss

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<sup>29</sup> Hot rolled steel prices declined from \$26.82 per 100 pounds in 1996 to \$22.46 in 1998, to \$18.12 in 1997, and to about \$14 in 1998.



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compared to a \$14,279,000 profit in the first quarter of the previous year. Capital expenditures declined from \$39.9 million in 1997, to \$35.4 million in 1996, to \$15.6 million in 1998.

Taken as a whole, the Court finds that Defendant WCI does not have ability to pay any significant penalty and remain extant in the long term. Simply put, the Court credits testimony that WCI faces long odds for survival in an industry characterized by excess capacity, unrestrained dumping by foreign producers, and uncertain future demand in the next downturn.

#### G. The Government's Conduct

In fashioning a penalty, the Court considers the government's conduct. Since 1981, the Ohio EPA has conducted at least twelve hazardous waste compliance inspections of the WCI facility. After making these inspections, the Ohio EPA did not allege that Ponds 5, 6, and 6A were hazardous waste units subject to RCRA. In 1993, the Ohio EPA gave WCI a RCRA Part B permit for the storage of acid prior to recycling.

The U.S. EPA also inspected WCI's facility under the Clean Water Act and RCRA in 1990, 1991, and 1992. After conducting these inspections, the U.S. EPA inspectors did not allege that the Ponds were hazardous waste units.

Beginning in May 1993, the U.S. EPA made a "multimedia" inspection at WCI's Warren facility. This multimedia inspection was made under the Clean Water Act, the

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Clean Air Act, RCRA, and the Toxic Substances Control Act. Shortly after conducting this inspection, the U.S. EPA requested documents from WCI.

By early spring, 1994, Defendant WCI had produced documents requested by the U.S. EPA. With this production, WCI gave the U.S. EPA the "Turn Audits" forms recording the readings from the pH meters located at the aeration influent box, the aeration tank, the rapid mix tank, and the No. 3 clarifier. This data reflected readings every two hours from September 1, 1988. The Turn Audits also reflected the records of the grab sample pH measurements for Pond 6 influent wastewater.

Despite having this most important evidence in early 1994, the government delayed filing this action until May 11, 1998. The government delayed filing even though it had filed a Clean Water Act action against WCI in June 1995.<sup>29</sup> The U.S. EPA delayed filing even though the EPA and WCI had reached a settlement of the Clean Water Act suit in April 1998 and even though that settlement made provision for the remediation of Pond 6 and to fill in Pond 6A.

As described above, the government delayed resolution of this dispute. First, the government delayed investigation of WCI's wastewater handling methods despite knowledge that WCI used processes that are acidic. While RCRA requires self-reporting, the government's inattention delayed this action.

Second, even when it had suspicion and necessary information, the United States delayed this action more than four years. Moreover, it delayed this action

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<sup>29</sup> *United States v. WCI Steel, Inc.*, Civil Action No. 4:95CV1442 (N.D. Ohio).

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despite expending large resources for discovery in the 1995 Clean Water Act case and despite settlement efforts in that case.

The government's delay and the government's splitting of causes of action are taken into account in setting the penalty imposed upon WCI. *United States v. Bethlehem Steel Corp.*, 829 F.Supp. 1047, 1056-58 (N.D. Ind. 1999). "[C]ourts should respond to EPA's undue agency delay by reducing penalties in an enforcement action in order to counteract any incentive the agency might have to place itself in a superior litigating position." *United States v. Marine Shale Processors*, 81 F.3d 1329, 1337 (5th Cir. 1996).

#### H. Penalty Finding

The United States requests a per diem penalty for each violation. This Court will not do so as it is within this Court's discretion to determine the total amount of penalty that WCI should pay. However, the Court considers the total days of violation in setting the penalty. *Bethlehem Steel Corp.*, 829 F. Supp. at 1056 (citing *United States (EPA) v. Environmental Waste Control, Inc.*, 710 F. Supp. 1172, 1242 (N.D. Ind. 1989)). The Court does not assume a \$25,000 or \$27,500 per day fine but rather views the evidence in total to determine a single penalty. In setting the penalty, the Court recognizes that deterrence is the major purpose of a civil penalty. *Id.*

After considering Defendant WCI's violations, the economic benefit it has obtained, the government's undue delay in bringing this action, the Court hereby

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assesses a civil penalty against WCI in the amount of \$1 million.

### 1. Injunctive Relief

42 U.S.C. § 6928(a) gives the Plaintiff United States the power to file a civil action to obtain appropriate relief. The relief sought can include a temporary or permanent injunction.

Normally, to obtain injunctive relief, a party must prove that there is no adequate remedy at law, that the plaintiff may suffer an irreparable injury if an injunction is not granted and that the balance of the equities justifies an injunction. However, when the government brings the action and shows that an activity endangers public health, injunctive relief is proper without undertaking a balancing of the equities. *Environmental Defense Fund, Inc. v. Lamphier*, 714 F.2d 331, 337-38 (4<sup>th</sup> Cir. 1983); *United States v. Bethlehem Steel Corp.*, 88 F.3d 862, 868 (7<sup>th</sup> Cir. 1994). In cases of public health legislation, the emphasis shifts from consideration of irreparable injury to concern for the general public interest. *Id.*

The United States does not allege that Ponds 5, 6, and 6A currently contain wastewater with a pH of 2.0 or below. There have been no influent probe readings of 2.0 or below after 1995. The sludge lining Ponds 5, 6, and 6A does not have a pH of 2.0 or lower and there is no evidence that it ever did have such a low pH. Consequently, the United States' request for injunctive relief does not purport to correct ongoing conditions that pose any type of public health risk or risk to the environment.

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In deciding whether the strong remedy of injunctive relief should be given, the Court is most concerned with whether this relief is necessary to stop the danger that might result from violations of RCRA. Specifically, is injunctive relief necessary to stop WCI from receiving, handling, or disposing of corrosive wastes into Ponds 5, 6, and 6A? In circumstances where no evidence shows that corrosive wastes have been present in Ponds 5, 6, and 6A since at least 1995, the Court finds that injunctive relief is not necessary.

As described above, the Plaintiff United States filed an action in June 1995, alleging Clean Water Act violations with regard Ponds 5, 6, and 6A. With regard to that action, the United States used the same basic evidence that it uses in this case. The United States then settled this Clean Water Act case. As part of this settlement, the United States agreed to a Consent Decree. In that Consent Decree, the United States agreed that WCI should install a liner in Pond 6 and to fill in Pond 6A. Given the United States's agreement that WCI install a liner, it is inconsistent to now argue that Pond 6 must be closed to preserve public health.

Finding that the Plaintiff United States fails to show any imminent threat to health or the environment, the Court denies the United States request for injunctive relief.

## VI. CONCLUSION

For the reasons stated herein, the Court assesses a \$1 million fine against

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**Gwin, J.**

**Defendant WCI. The Court finds injunctive relief inappropriate in this case.**

**Accordingly, this action is terminated pursuant to Fed. R. Civ. P. 58.**

**IT IS SO ORDERED.**

**Date: October 22, 1999**



**Hon. James S. Gwin**  
**U.S. District Court**

FILED

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
EASTERN DIVISION


UNITED STATES OF AMERICA.	)	CASE NO. 4:98-CV-1082
	)	
Plaintiff.	)	
	)	
v.	)	Judge James S. Gwin
	)	
WCI STEEL, INC.,	)	
	)	
Defendant.	)	ORDER
	)	

The Court has entered its findings of fact and conclusions of law in the above-captioned case. For the reasons set forth therein, the Court orders Defendant WCI Steel, Inc. to pay a civil fine of \$1 million. Finding that WCI's RCRA violations pose no threat to the public health, the Court denies the United States' request for injunctive relief.

Accordingly, this action is terminated pursuant to Fed. R. Civ. P. 58.

IT IS SO ORDERED.

Date: October 22, 1999

  
Hon. James S. Gwin  
U.S. District Court





UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
WCI STEEL, INC.,  
Defendant.

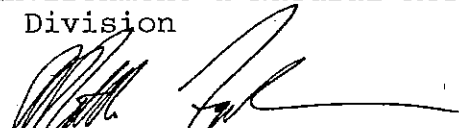
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) CIVIL ACTION NO. 4:98CV1082  
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) JUDGE JAMES S. GWIN  
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The United States moves this court for an order that its summaries of pH monitoring data compiled by Defendant, Plaintiff's Exhibits 1, 1a, 1b, 1c, 1d, 1e, 1f, 1g, 1h, 1i, 1j, 1k, 2, 3, and 4 attached hereto, shall be deemed admitted into evidence at trial pursuant to Rule 1006 of the Federal Rules of Evidence.

Dated: June 2<sup>nd</sup>, 1999

Respectfully submitted,

LOIS J. SCHIFFER  
Assistant Attorney General  
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In the forthcoming trial for civil penalties and injunctive relief in this civil action, the United States intends to establish that WCI Steel, Inc. ("WCI") has violated the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq. ("RCRA"), by treating, storing and disposing of hazardous waste without a permit in three unlined surface impoundments, designated as Ponds 5, 6 and 6A, at its Warren, Ohio steel manufacturing facility, by failing to close

the surface impoundments, and by failing to meet certain other applicable requirements under RCRA.

As part of its case-in-chief, the United States intends to establish that WCI treated, stored and disposed of wastewater generated by WCI's process lines in the unlined surface impoundments and that this wastewater routinely exhibited a pH of 2.0 s.u. or less. Wastewater with a pH of 2.0 s.u. or less is a characteristic hazardous waste under RCRA due to its corrosivity.

40 C.F.R. § 261.22 and Ohio Administrative Code § 3745-51-22.

The surface impoundments are part of WCI's wastewater treatment system. The wastewater from the process lines is first channeled through WCI's sewer system to Pond 5 for oil-water separation. From Pond 5, the wastewater is directed to Pond 6 through a submerged gravity pipe. From Pond 6, the wastewater is pumped to WCI's Central Treatment Plant ("CTP") where it is treated before being discharged to the Mahoning River. Pond 6A collects seepage from Pond 6. The wastewater from Pond 6A is pumped back to Pond 6.

A pH probe continuously monitors the pH of the wastewater as it enters the CTP from Pond 6 ("influent probe"). Each day, and as often as every hour, WCI's CTP operators record, among other things, the pH readings indicated by the influent probe on forms colloquially known as Central Treatment Plant Turn Audits ("Turn Audits"). On occasion, the CTP operators take grab samples of the wastewater as it enters the CTP to determine whether the influent

probe is providing accurate readings. The CTP operators also record the pH of the grab sample on the Turn Audits.

The United States intends to establish that WCI illegally treated, stored and disposed of hazardous waste in the surface impoundments, in part, through the use of WCI's Turn Audits and the pH information contained therein. The United States is prepared to present to the Court literally thousands of individual Turn Audit forms prepared and maintained by WCI and containing tens of thousands of data points documenting both the pH of the wastewater as it entered the CTP from Pond 6 as indicated by the influent probe, and the pH of corresponding grab samples taken of the same waste streams.

The United States is seeking a ruling in limine that the United States may prove that WCI illegally treated, stored and disposed of hazardous waste in the surface impoundments, in part, through the admission of summaries of the information contained in the Turn Audits, rather than through the underlying documents, pursuant to Rule 1006 of the Federal Rules of Evidence. That Rule provides that the contents of voluminous documents, which cannot conveniently be examined in court, may be presented to the Court in the form of a summary.

In order to conserve the judicial resources which would be necessary to examine the contents of thousands of documents containing tens of thousands of data points, and to assist the Court in its evaluation of the government's proof, the United States has prepared summaries of these documents ("Turn Audit

summaries" or "summaries"). Along with these summaries, and attached hereto at Tab 1, is the Declaration of Michael Beedle, the person who prepared the summaries and who can testify as to their accuracy ("Beedle Decl. ").

As explained in the Declaration of Michael Beedle at ¶ 17, there is a separate summary for each of the following: The Number and Distribution of pH Measurements, WCI Central Treatment Plant Influent From Pond No. 6, By Year and Total, 1988-1998 (Exhibit 1); Number and Distribution of pH Measurements, WCI Central Treatment Plant Influent From Pond No. 6, By Month And Total Year (Exhibits 1a, 1b, 1c, 1d, 1e, 1f, 1g, 1h, 1i, 1j and 1k); Number of Days with pH Measurement of 2 or Below, WCI Central Treatment Plant Influent From Pond No. 6, By Month and Year, 1988-1998 (Exhibit 2); Number of Days with pH Measurement of 1.7 or Below, WCI Central Treatment Plant Influent From Pond No. 6, By Month and Year, 1988-1998 (Exhibit 3); and the Differences Between pH Measurements: Probe Readings vs. Grab Samples, WCI Central Treatment Plant Influent From Pond No. 6, 1995-1998 (Exhibit 4). Declarant Beedle describes in his Declaration, and is prepared, if necessary, to testify at trial, how these summaries were generated, and to explain the underlying documentation upon which he relied.

For the reasons set forth herein, the United States respectfully requests that the Court admit as evidence at trial, pursuant to Rule 1006 of the Federal Rules of Evidence, the Turn Audit summaries prepared by the United States.

## ARGUMENT

Courts have long held that where records are voluminous, an oral or written summary of the records may be received into evidence, as long as the underlying records are admissible and have been made available to the opposing party. See, e.g., Burton v. Driggs, 87 U.S. (20 Wall.) 125, 136 (1873) (where documents could not conveniently be examined in court, testimony summarizing their contents was admissible); United States v. Bray, 139 F.3d 1104 (6<sup>th</sup> Cir. 1998); Martin v. Funtime, Inc., 963 F.2d 110, 115 (6th Cir. 1992); United States v. Campbell, 845 F.2d 1374, 1381 (6th Cir.), cert. denied, 488 U.S. 908 (1988); United States v. Scales, 594 F.2d 558, 563 (6th Cir.), cert. denied, 441 U.S. 946 (1979).

Rule 1006 was adopted in 1975, codifying this long-standing practice of admitting summaries. Rule 1006 provides that:

The contents of voluminous writings, recordings or photographs which cannot conveniently be examined in court may be presented in the form of a chart, summary, or calculation. The originals, or duplicates, shall be made available for examination or copying, or both, by other parties at reasonable time and place. The court may order that they be produced in court.

The Rule manifests an intent that courts not be burdened with voluminous quantities of documentary evidence, where the relevant content of that evidence can accurately and conveniently be presented to the fact finder in the form of a summary. See United States v. Scales, 594 F.2d at 562.<sup>1</sup> The courts have interpreted

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<sup>1</sup> See also United States v. Harms, 974 F.2d 1262, 1269 (11th Cir. 1992); United States v. Duncan, 919 F.2d 981, 988 (5th Cir. 1990), cert. denied, 500 U.S. 926 (1991) (court  
(continued...))

Rule 1006 as "treating summaries as evidence under circumstances where, in the court's discretion, examination of the underlying documents in a trial setting cannot be done conveniently." United States v. Atchley, 699 F.2d 1055, 1059 (11th Cir. 1983) (internal quotation and citation omitted).<sup>2</sup>

The proponent of a summary must establish the following for the summary to be admitted into evidence: (1) the underlying documents are voluminous; (2) the underlying documents have been made available to all parties; (3) the underlying documents are themselves admissible; (4) the summary is accurate and nonprejudicial; and (5) the summary has been properly introduced through foundation testimony of the witness who supervised its preparation. United States v. Bray, 139 F.3d at 1109-10. The United States has met all of the requirements for admissibility of its summaries.

A. The Underlying Documents Are Voluminous

Under Rule 1006, the underlying documents are "voluminous" if the documents "cannot be conveniently examined in court . . . ."

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<sup>1</sup>(...continued)  
admitted summaries stating that, "[t]he underlying records were undisputably voluminous, consisting of hundreds of exhibits. Examination of the individual records would have been burdensome and time-consuming without the aid of summaries."); United States v. Stephens, 779 F.2d 232, 239 (5th Cir. 1985); Needham v. White Laboratories, Inc., 639 F.2d 394, 403 (7th Cir.), cert. denied, 454 U.S. 927 (1981); United States v. Johnson, 594 F.2d 1253, 1255 (9th Cir.), cert. denied, 444 U.S. 964 (1979); United States v. Massachusetts Maritime Academy, 762 F.2d 142, 157 (1st Cir. 1985).

<sup>2</sup> Whether this Court accepts into evidence the Turn Audit Summaries prepared by the United States is clearly within the Court's discretion. United States v. Bray, 139 F.3d at 1109.



The United States need not show that it is literally impossible for the court to examine all underlying records. See e.g., United States v. Bray, 139 F.3d at 1109; United States v. Campbell, 845 F.2d at 1381 (rejecting defendant's argument that rule 1006 inapplicable where jury could have examined every document); United States v. Briscoe, 896 F.2d 1476, 1495 (7th Cir. 1990) (summaries of voluminous documents admissible as an aid to the jury and an efficient method for identifying exhibits); R & R Associates, Inc. v. Visual Scene, Inc., 726 F.2d 36, 37-38 (1st Cir. 1984) (summary of voluminous documents admissible as "the only practicable means of making their contents available to judge and jury") (internal quotation and citation omitted).

The underlying documents at issue in this motion are clearly "voluminous." As explained by Declarant Beedle, there are literally thousands of Turn Audit records. For the period September 1, 1988 through August 9, 1990, there are three Turn Audit sheets per day, each one reflecting an 8-hour shift by a CTP operator. For the period August 10, 1990 through July 31, 1998, there is a Turn Audit sheet for each day. The records fit easily within the generally-held understanding of "voluminous." See, e.g., United States v. Bray, 139 F.3d at 1110 (assuming approximately 1,200 forms to be "voluminous" for purposes of Fed. R. Evid. 1006).

In addition to the voluminous documents themselves, the data contained in the documents are voluminous. Throughout the period September 1, 1988 through February 22, 1995, CTP operators recorded

the influent probe pH reading on the Turn Audit sheets 12 times per day. Throughout the period February 23, 1995 through July 31, 1998, the CTP operators recorded the influent probe pH reading on the Turn Audit sheets 24 times per day. As a result, there are tens of thousands of data points reflected in the Turn Audits. Indeed, there are over 11,000 data points of 2 s.u. or less for the pH of the wastewater as it entered the CTP from Pond 6 reflected in the Turn Audits. To introduce for analysis each underlying document would be both time consuming and impractical. The Turn Audit summaries will substantially reduce the burden of analyzing the underlying Turn Audit documents at trial.

Moreover, the Turn Audit summaries identify for the Court some of the pertinent information on which the United States intends to rely in demonstrating that WCI illegally treated, stored and disposed of hazardous waste in the surface impoundments. Consistent with the purposes underlying Rule 1006, the Turn Audit summaries will alleviate the burden of evaluating each underlying document, and will remove the Court's onerous responsibility of evaluating each underlying document, and serve as a meaningful tool to streamline the trial proceedings.

B. The Underlying Records, As Records of WCI, Are Readily Available to WCI for Inspection

Rule 1006 requires that the documents forming the basis of the summary "shall be made available for examination or copying, or both, by other parties at reasonable time and place." The underlying documents in this case are the Turn Audit forms that WCI

itself prepared and produced to the United States. Thus, plaintiff has met its obligations under Rule 1006 to make the documents available. See e.g., C.L. Maddox, Inc. v. The Benham Group, Inc., 88 F.3d 592, 601 (8<sup>th</sup> Cir. 1996).

C. The Underlying Records are Admissible

The parties have stipulated to both the authenticity and admissibility of the Turn Audits as business records of WCI, pursuant to Rules 901 and 803(6), respectively, of the Federal Rules of Evidence.

D. The Summaries are True and Accurate

The Turn Audit summaries truly and accurately, and in a non-prejudicial manner, summarize the data contained in the Turn Audits. See Beedle Decl. at 37. The summaries are not embellished in any way. They simply distill the voluminous data contained in the Turn Audits to a format that allows for more substantive analysis. Declarant Beedle will be available to testify to these facts if required by the Court.

E. The United States has Laid a Proper Foundation for the Summaries

In the attached Declaration, Declarant Beedle describes in detail the process through which the summaries were generated and checked for accuracy. He has also authenticated each summary through his Declaration. If requested by the Court, however, the United States is prepared and willing to produce all the documents that underlie the Turn Audit summaries and to have declarant Beedle

testify in person concerning the generation of the summaries.

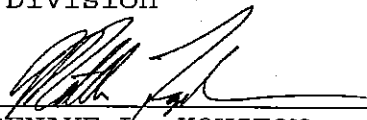
CONCLUSION

The Turn Audit summaries are true, accurate and authentic representations of the underlying documents and meet all of the requirements of Federal Rule of Evidence 1006. Therefore, the Turn Audit summaries should be admitted into evidence by the Court.

Dated: June 2<sup>nd</sup>, 1999

Respectfully submitted,

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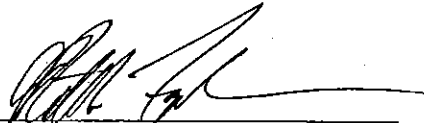
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing UNITED STATES' MOTION IN LIMINE FOR ADMISSION OF SUMMARIES OF VOLUMINOUS DOCUMENTS and MEMORANDUM OF LAW IN SUPPORT OF UNITED STATES' MOTION IN LIMINE FOR ADMISSION OF SUMMARIES OF VOLUMINOUS DOCUMENTS have been served on the following counsel for Defendant, by facsimile and U.S. mail, this 2<sup>nd</sup> day of June, 1999:

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Matthew A. Fogelson

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA,

Plaintiff,

v.

WCI STEEL, INC.,

Defendant.

CIVIL ACTION NO. 4:98CV1082

JUDGE JAMES S. GWIN

DECLARATION OF MICHAEL D. BEEDLE

I, Michael D. Beedle, make the following declaration,  
pursuant to 28 U.S.C. § 1746:

1.. I have personal knowledge of all facts set forth in  
this Declaration.

2. I have a Bachelor of Arts degree in chemistry and  
biology from Southwest State University in Marshall, Minnesota.

3. I have a Masters of Science degree in public health  
sciences from the University of Illinois in Chicago, Illinois.

4. I have been employed as an environmental scientist with  
the United States Environmental Protection Agency ("EPA") since  
August 1997. My duties and responsibilities with EPA have

included developing, coordinating and tracking enforcement actions undertaken pursuant to the Resource Conservation and Recovery Act.

5. I have been the environmental scientist assigned to EPA's enforcement action against WCI Steel, Inc. ("WCI") since March 1998. As part of my work on the case, I participated in a site visit to WCI's steel making facility in Warren, Ohio ("the facility") on March 5, 1999. I have also reviewed numerous documents submitted by WCI to EPA regarding the facility.

6. Based upon my visit to the facility, and my review of documents submitted by WCI to EPA, I believe that WCI maintains a system of three unlined surface impoundments, designated as Ponds 5, 6 and 6A, and that process wastewater from the facility's finishing lines flows via an underground sewer to Pond 5. From Pond 5, the water is directed through a submerged gravity pipe to Pond 6. From Pond 6, the wastewater is pumped to a central wastewater treatment plant ("CTP") for treatment prior to being discharged to the Mahoning River. Pond 6A captures seepage from Pond 6 and pumps the wastewater back to Pond 6.

7. Based upon my visit to the facility, and my review of documents submitted by WCI to EPA, I believe that there is a pH meter that continuously monitors the pH of the wastewater as it enters the CTP from Pond 6 ("influent meter" or "influent probe").



8. I have reviewed documents submitted by WCI to EPA entitled "Central Treatment Control Points" for the period September 1, 1988 through February 22, 1995. The Central Treatment Control Points are forms containing handwritten data entered by CTP operators. The following data are recorded on the Central Treatment Control Points forms:

- Aeration Influent pH
- Clarifier Effluent pH
- Aeration Effluent pH
- Rapid Mix pH
- Polymer Flow
- Polymer Mixing
- #6 Pond Flow/BOF Flow
- Effluent Turbidity (September 1, 1988-August 9, 1990 only)
- Ferric Chloride Flow (September 1, 1988-August 9, 1990 only)

9. I have also reviewed documents submitted by WCI to EPA entitled "Central Treatment Plant pH (Turn Audit Form WTPC, 06.01, B)" for the period February 23, 1995 through July 31, 1998. Like the Central Treatment Control Points forms, the Central Treatment Plant pH (Turn Audit Form WTPC, 06.01, B) documents are forms containing handwritten data entered by CTP operators. The following data are recorded on the Central Treatment Plant pH (Turn Audit Form WTPC, 06.01, B) forms:

- #6 Pond Influent pH
- #3 Clarifier Effluent pH
- Aeration Effluent pH
- Rapid Mix pH
- Grab Samples: #6 Pond Influent pH
- Grab Samples: B.O.F. Influent pH

10. Based upon my review of documents submitted to EPA by WCI, I believe that The Central Treatment Control Points forms and the Central Treatment Plant pH (Turn Audit Form WTPC, 06.01, B) documents, which I collectively refer to herein as "turn audit forms," contain pH data of the wastewater as it enters the CTP from Pond 6 as indicated by the influent meter. This data is contained on the turn audit forms under the headings "Aeration Influent pH" (on the Central Treatment Control Points forms) and "#6 Pond Influent pH" (on the Central Treatment Plant pH (Turn Audit Form WTPC, 06.01, B) documents).

11. WCI admits in its answers to the United States' Request for Admissions that, on occasion, CTP operators would collect a grab sample of the wastewater as it entered the CTP from Pond 6 and test it for pH to determine if the influent probe needed recalibration or maintenance. Based upon my review of the documents submitted by WCI to EPA, I believe that the CTP operators, during the period 1995 to the present, recorded the pH of grab samples on the turn audit forms under a column captioned "grab samples: #6 Pond Influent pH."

12. I have reviewed turn audit forms for the period September 1, 1988 through July 31, 1998.

13. Based upon my review of the turn audit forms, I believe that from September 1, 1988 until August 9, 1990, one turn audit form was completed during each 8-hour turn, or shift. Thus,

three turn audit forms were generated each day during the period September 1, 1988 through August 9, 1990. During this same period, CTP operators recorded on the turn audit form the pH reading indicated by the influent meter once every two hours. Consequently, there are 4 aeration influent pH readings recorded on each turn audit form generated during the period September 1, 1988 through August 9, 1990. A true and accurate sample of the turn audit form in use during the period September 1, 1988 through August 9, 1990, is submitted with this Declaration as Exhibit A.

14. Based upon my review of the turn audit forms, I believe that from August 10, 1990 until February 22, 1995, one turn audit form was generated each day containing all the data collected over the three turns. During this same period, CTP operators recorded on the turn audit form the pH reading indicated by the influent meter once every two hours. Consequently, there are 12 aeration influent pH readings recorded on each turn audit generated during the period August 10, 1990 through February 22, 1995. A true and accurate sample of the turn audit form in use during the period August 10, 1990 through February 22, 1995 is submitted with this Declaration as Exhibit B.

15. Based upon my review of the turn audit forms, I believe that from February 23, 1995 until July 31, 1998, one turn audit form was generated each day. During this same period, CTP

operators recorded the pH reading indicated by the influent meter on the turn audit form once every hour. Consequently, there are 24 aeration influent pH readings recorded on each turn audit form generated during the period February 23, 1995 through July 31, 1998. A true and accurate sample of the turn audit form in use during the period February 23, 1995 through July 31, 1998 is submitted with this Declaration as Exhibit C.

16. The turn audit forms are voluminous. There are literally thousands of pages of documents containing approximately 58,000 data points of the pH of the wastewater as it entered the CTP. There are over 11,000 data points of 2 s.u. or less for the pH of the wastewater as it entered the CTP from Pond 6 reflected in the turn audit forms.

17. Based upon my review of the turn audit forms, I prepared the following summaries:

- *The Number and Distribution of pH Measurements, WCI Central Treatment Plant Influent From Pond No. 6, By Year and Total, 1988-1998 (Exhibit 1).* This exhibit summarizes all the pH readings from the influent meter, as recorded by the CTP operators on the turn audit forms, for the years 1988 through 1998. The readings are presented by pH value for each year. The total number of readings for a given pH value for the entire period 1988-1998 is presented in the far-right column. The summary is essentially divided into

two categories: pH readings of 2.0 s.u. or less; and pH readings above 2.0 s.u. Readings of pH 2.0 s.u. or less are presented in increments of one-tenth s.u., and the total number of pH readings of 2.0 s.u. or less, for each such increment, for each year, and for the entire period, 1988-1998 (far-right column), is provided. The total number of pH readings of 2.0 s.u. or less for the entire period, 1988-1998 is presented in the far-right column. This total is 11,061 pH readings. Readings of pH above 2.0 s.u are presented in three groups (i) readings of 2.1-2.5 are grouped together; (ii) readings of 2.6-12.4 are grouped together; and (iii) readings of 12.5-14 are grouped together. A Grand Total of pH readings for each year and for the entire period 1988-1998 (far-right column) is provided. The number of readings of 2.0 s.u. or less as a percentage of the total readings for each year is provided (i.e. % of Grand Total  $\leq 2$ ). The total number of readings of 2.0 s.u. or less over the entire period 1988-1998 as a percentage of all readings over the same period is also provided in the far-right column. This percentage is 19.1%. Finally, the number of readings of 2.0 s.u. or less as a percentage of all readings is presented yearly on a cumulative basis. In other words, for any given year, the summary provides a running percentage of the number of all readings of 2.0 s.u

or less from 1988 up to and including the year of concern.

- *Number and Distribution of pH Measurements, WCI Central Treatment Plant Influent From Pond No. 6, By Month And Total Year (Exhibits 1a, 1b, 1c, 1d, 1e, 1f, 1g, 1h, 1i, 1j and 1k).* Each of these eleven exhibits presents the data contained in Exhibit 1 for one specific year starting with 1988 and continuing through 1998. The data for each of the eleven exhibits is presented by month. Thus, Exhibits 1a-1k, collectively, present the data contained in Exhibit 1, broken down by month.

- *Number of Days with pH Measurement of 2 or Below, WCI Central Treatment Plant Influent From Pond No. 6, By Month and Year, 1988-1998 (Exhibit 2).* This summary presents the number of days on which at least one influent meter reading of pH of 2.0 s.u. or below was recorded by a CTP operator on a turn audit form, summarized by month and year, for the period 1988-1998. This summary also provides (i) the percentage of days, for each year, that a reading of 2.0 s.u. or less from the influent meter was recorded by a CTP operator on a turn audit form; and (ii) the percentage of days over the entire period, 1988-1998, that a reading of 2.0 s.u. or less from the influent meter was recorded by a

CTP operator on a turn audit form (far-right column). The percentage of days with a reading of 2.0 s.u. or less for the entire period, 1988-1998, is 37.6%.

- *Number of Days with pH Measurement of 1.7 or Below, WCI Central Treatment Plant Influent From Pond No. 6, By Month and Year, 1988-1998* (Exhibit 3). This summary is similar to Exhibit 2 except that it presents data concerning the number of days on which at least one influent meter reading of pH of 1.7 s.u. or below was recorded by a CTP operator on a turn audit form. The percentage of days with a reading of 1.7 s.u. or less for the entire period, 1988-1998, is 15.9%.
- *Differences Between pH Measurements: Probe Readings vs. Grab Samples, WCI Central Treatment Plant Influent From Pond No. 6, 1995-1998* (Exhibit 4). This summary presents the distribution of the difference between the pH of the wastewater as it entered the CTP from Pond 6, as measured by the influent meter and recorded on the turn audit forms, and as measured by the corresponding grab samples taken in close temporal proximity and recorded on the turn audit forms, for the period 1995-1998. Exhibit 4 is divided into three categories: (i) a comparison of grab sample and corresponding influent meter pH readings for pH values of

3.0 s.u. or below; (ii) a comparison of grab sample and corresponding influent meter pH readings for pH values greater than 3.0 s.u.; and (iii) a comparison of all grab sample and corresponding influent meter pH readings. For each category, the difference in readings is presented in increments of one-tenth s.u. The number of pairs for each increment (i.e. the distribution) and the percentage of the total represented by the number of pairs are provided. Finally, for each category, the percentage of pairs that were measured within 0.2 s.u. of one another is provided. These percentages are (a) 98.4% for CTP influent measurements of 3.0 s.u. or less; (b) 70.1% for CTP influent measurements of greater than 3.0 s.u.; and (c) 88.6% for all CTP influent measurements.

18. I prepared the summaries by processing a database into which data contained on the turn audit forms had been entered by Westaff, a contractor hired by EPA through the Franchise Business Activity.

19. Westaff is a staffing company specializing in data entry and clerical services, having offices at 8725 West Higgins Road, Chicago, Illinois. I was informed that the data entry personnel had several years of experience entering data. I instructed Westaff that data were to be entered and checked to ensure zero errors and that accuracy was more important than



speed of entry. I instructed the data entry personnel that if the information on the sheets was of poor quality, to ask me to make the final determination before entering the data.

20. Westaff personnel, under my direct supervision, entered data from the turn audit forms into a database developed by EPA for this specific project. When in the office, I held daily, and, on occasion, multiple, in-person discussions with the Westaff data entry personnel. I answered questions posed by the Westaff data entry personnel regarding the database design and entry of data.

21. Westaff personnel entered into the database the following data from the Central Treatment Control Points forms:

- Operator Name
- Date
- Order of Readings (referred to as "Checks")
- Turn (i.e. shift)
- Aeration Influent pH
- # 6 Pond Flow
- BOF Flow
- Narrative Comments

22. Westaff personnel entered into the database the following data from the Central Treatment Plant pH (Turn Audit Form WTPC, 06.01, B) documents:

- Operator name
- Date
- Turn (i.e. shift)
- Time of Day for Each Reading
- #6 Pond Influent pH
- Grab Sample: #6 Pond Influent pH
- Narrative Comments

23. To ensure the accuracy of the data entry, I instructed Westaff personnel, upon completion of the data entry, to compare the original documents to the corresponding data entered in the database. Specifically, Westaff personnel compared all original data other than narrative comment entries, #6 Pond Flow entries and BOF Flow entries, to the corresponding entries in the database.

24. In conducting its initial check, I instructed Westaff personnel to develop a log of errors. The log consisted of 578 errors. The errors were corrected. Westaff personnel then checked the corrections to ensure that they had been entered accurately. This second check resulted in 25 errors, all of which were corrected. Westaff personnel then compared again the original Aeration Influent pH and #6 Pond Influent pH entries of 2.0 and below and 12.5 and above, together with corresponding data for the date and turn, to the actual data entered in the database. This third check resulted in 3 errors, all of which were corrected.

25. Once the Westaff personnel completed the tasks described in ¶¶ 21-24, I then conducted my own check of the accuracy of the data entry. Specifically, I compared the original date, turn and Aeration Influent pH data for the period September 1988 through December 1988 to the corresponding data entered in the database. I found one error in the entry of

Aeration Influent pH. Both the original and the mis-entered data points were above 2.0 s.u. I also entered several Aeration Influent pH data that were not entered initially because of either poor copy quality or because the date of the data was not readily apparent from the originals but could be surmised from the sequence of documents. See ¶ 30, infra.

26. Under my direct supervision, the entire database was then checked again, by month, for errors, by comparing the number of actual records to the number of expected records. For example, the number of expected records for a 30-day month in the period 1988-1994, is 360 (12 records per day times 30 days = 360). This comparison indicated where data was missing and where duplicate data had been entered. Where data was missing, the original documents were compared to the database printout for that month. All the identified missing data were entered into the database.

27. The same process described in ¶ 26 was then essentially repeated by comparing the number of actual records to the combined number of Aeration Influent pH and No. 6 Pond influent pH data points. Corrections were made to the database as necessary.

28. To further ensure the accuracy of the data entry, a database search was performed for duplicate records. All duplicate records that were confirmed as such were deleted.

29. While EPA received the vast majority of the turn audit forms from WCI, it did not receive all of them. As a result, there is incomplete influent pH data for certain days. Some missing data were entered into the database from turn audit forms produced by WCI to EPA's Water Division.

30. Some of the turn audit forms contained information regarding the date and turn that I determined was incorrect from the context of the documents and the order in which they were produced by WCI. For example, because the turn audit forms were produced in chronological order, I could infer that some turn audit forms were dated with the correct day and year, but not with the correct month; or that the turn indicated on the turn audit form was out of order or incorrect. I made assumptions regarding the correct date and turn for certain data from the context of the documents. On May 21, 1999, the United States sent a letter to counsel for WCI requesting that WCI stipulate to the existence of these technical inaccuracies. By letter dated May 26, 1999, counsel for WCI responded that counsel was considering whether WCI is able or willing to stipulate to any of the issues raised in the United States' letter. To the date I executed this Declaration, no response from WCI was received.

31. To prepare Exhibits 1 and 1a-1k, I searched the database, by year, for all influent meter pH readings. I then performed a distribution command, by month, for specified pH

values. This command produced the raw data contained in Exhibits 1a-1k. I next performed a distribution command by year for specified pH values. This search produced the raw data contained in Exhibit 1. I performed a mathematical database check of the number of influent meter pH readings for the months in a given year to confirm that they added up to the total number of influent pH readings for that year. The percentages reflected in Exhibits 1 and 1a-1k were derived through the use of a simple computer calculation. A computer program was also used to calculate the total number of influent meter readings of 2.0 s.u. or less as reflected in the Exhibits. Finally, I converted the raw data into table form.

32. To ensure the accuracy of Exhibits 1 and 1a-1k, I conducted spot checks of the total readings of 2.0 s.u. or less, summarized by year, and compared those to database searches for readings of 2.0 s.u. or less for the corresponding years.

33. To prepare Exhibits 2 and 3, I performed a search, by year, for all readings of 2.0 s.u. or less for Exhibit 2, and of 1.7 s.u. or less for Exhibit 3. I then commanded the database to create a summary, by month, of readings of 2.0 s.u. or less (for Exhibit 2) and of 1.7 s.u. or less (for Exhibit 3). I next utilized a common Lotus spreadsheet program to count the number of days per month on which there was at least one reading of 2.0 s.u. or less (for Exhibit 2) and of 1.7 s.u. or less (for Exhibit

3). For years in which there were few days of pH of 2.0 s.u. or less recorded on the turn audit forms, I manually counted the number of days in lieu of utilizing the spreadsheet program. A secretary then converted the raw data into table form. I reviewed the tables. In preparing Exhibits 2 and 3, I assumed all missing influent meter data was greater than 2.0 s.u.

34. To ensure the accuracy of Exhibits 2 and 3, I, together with Westaff personnel, manually compared the number of days of pH readings of 2.0 s.u. or less for 3 months (May, June and October, 1993), as indicated by the summaries, to the underlying turn audit forms.

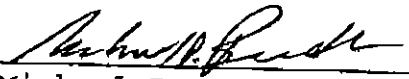
35. To prepare Exhibit 4, I searched the database for all grab samples. This search provided both the grab samples and the corresponding influent meter readings. I then performed a computer command and calculation that generated the absolute difference between the grab samples and the corresponding influent readings. I next performed a distribution command that counted the paired differentials and divided them into increments of one-tenth s.u. These commands generated the raw data contained in the two far-right columns on Exhibit 4 ("Totals for All Measurements"). I then performed a search for all influent meter readings of 3.0 s.u. or less with their corresponding grab samples. I conducted the same absolute difference and distribution commands described above. These commands generated

the data contained in the balance of Exhibit 4. The percentages reflected in Exhibit 4 were derived through the use of a simple computer calculation. I, together with a secretary, converted the raw data into table form.

36. To ensure the accuracy of Exhibit 4, I manually confirmed the distribution of the influent meter readings of 3.0 s.u. or less by comparing the distribution indicated on the summary to the underlying turn audit forms.

37. Based on the foregoing, I testify that the summaries are authentic, true and accurate, and fairly summarize data appearing in the turn audit forms.

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 2, 1999.

  
Michael D. Beedle



# \*\* CENTRAL TREATMENT CONTROL POINTS \*\*

DATE 9-2-88 OPERATOR Rend TURN 11-7

CONTROL TIMES	1 EFFLUENT TURBIDITY	2 CLARIFIER EFFLUENT PH	3 AERATION EFFLUENT PH	4 AERATION EFFLUENT PH	5 RAPID MIX PH	6 POLYMER FLOW	7 FERRIC CHLORIDE FLOW	8 POLYMER MIXING	9 # BO
	MAX	MIN - MAX	NO CONTROL	SET POINT	SET POINT	3 GPM	GPM	10 #/LWK	
1st CHECK 6A-10A-10P		9.3	2.0	8.4	9.5	60 Sec.	Not in Use		806
2nd CHECK 8A-12M-12M		9.5	2.0	8.3	9.4	"	"	2:00 A.M.	821
3rd CHECK 11A-3P-3A		9.4	1.9	8.3	9.3	"	"		79
4th CHECK 1P-5P-5A		9.5	1.9	8.4	9.3	"	"	6:00 A.M.	73
CHANGES MADE									
<p><b>PROCEDURES *</b></p> <p>IF THE EFFLUENT TURBIDITY APPROACHES MAX:            1. Check PH values/line system            2. Check sludge recirculation            3. Check polymer flow</p> <p>IF CLARIFIER EFFLUENT PH IS ABOVE OR BELOW MIN-MAX:            1. Check line system</p> <p>NO CONTROL</p> <p>IF AERATION EFFLUENT PH FALLS BELOW SET POINT:            1. Clean PH probe            2. Check control valve on top of tank            3. Check line supply</p> <p>IF RAPID MIX PH FALLS BELOW SET POINT:            1. Clean PH probe            2. Check control valve at splitter tank            3. Check line supply</p> <p>IF POLYMER FLOW VARIES FROM ABOUT 3 GPM:            1. Check pump/tank            2. Clean out line</p> <p>IF FERRIC CHLORIDE FLOW VARIES FROM ABOUT 3 GPM:            1. Check pump/tank            2. Clean out line</p> <p>IF POLYMER MIXING VARIES FROM ABOUT 10 #/LWK:            1. Check pump/tank            2. Clean out line</p> <p>IF FLOW VARIES DRAMATICALLY:            1. Check valve operation</p>									





U.S. Department of Justice

Environment and Natural Resources Division

JMG:DLH  
90-5-1-1-5027C

*Environmental Enforcement Section  
P.O. Box 7611  
Washington, DC 20044-7611*

*Telephone (202) 305-0260  
Facsimile (202) 616-6584*

April 20, 1999

**VIA OVERNIGHT MAIL**

Vincent Atriano, Esq.  
Squire, Sanders & Dempsey, LLP  
41 South High Street  
Columbus, Ohio 43215  
(614) 365-2783

**Re: United States v. WCI Steel, Inc. (RCRA)**

Dear Vince:

Enclosed herewith, please find the United States' First Set of Requests for Admissions and Second Set of Interrogatories.

Sincerely,

Drenaye L. Houston, Senior Attorney

enclosure:

cc:

✓ Deirdre Tanaka, Assistant Regional Counsel, USEPA  
Matthew Fogelson, Trial Attorney, USDOJ

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 4:98CV1082
	)	
WCI STEEL, INC.,	)	
	)	JUDGE JAMES S. GWIN
	)	
Defendant.	)	
	)	
	)	
	)	

---

PLAINTIFF'S FIRST SET OF REQUESTS FOR ADMISSIONS AND SECOND SET  
OF INTERROGATORIES DIRECTED TO DEFENDANT WCI STEEL, INC.

Pursuant to Rules 26 and 33 and 36 of the Federal Rules of Civil Procedure, Plaintiff United States hereby serves upon Defendant WCI Steel, Inc. this First Set of Requests for Admissions ("Request") and Second Set of Interrogatories ("Interrogatories").

## INSTRUCTIONS

### A. Requests for Admissions

1. Each matter upon which an admission is requested will be admitted, pursuant to Rule 36(a), unless within thirty (30) days after service of the Requests for Admissions, WCI, in writing and under oath, provides full and complete answers or objections.

2. This Request is directed to WCI Steel, Inc. and covers all information in its possession, custody, and control, including information in the possession of its officers, employees, agents, servants, representatives, attorneys, or other persons directly or indirectly employed or retained by them, or anyone else acting on its behalf or otherwise subject to its control, and any merged, consolidated, or acquired predecessor or successor, parent, subsidiary, division or affiliate.

3. This Request is continuous in nature; WCI must supplement its responses promptly if WCI obtains additional or different information before trial of this action as required by Rule 26(e) of the Federal Rules of Civil Procedure.

4. If WCI does not answer any Request for Admission, in whole or in part, under any claim of privilege or exemption, WCI must identify the information subject to the privilege or exemption, identify the specific privilege or exemption, and state the basis for its claim.

5. Words used in the plural shall also mean and include the singular. Words used in the singular shall also mean and include the plural. "Or" and "and" shall be construed conjunctively and disjunctively to bring within the scope of this Request any information that might otherwise be construed to be outside their scope. The past tense includes the present tense where the clear meaning is not distorted by change of tense.

6. Each Request for Admission shall specifically be admitted or denied, including the authenticity or accuracy of any documents referenced or attached.

7. If a matter contained in any Request for Admission cannot be admitted or denied, WCI shall specifically set forth the reasons for this in detail in the response.

8. A denial shall fairly meet the substance of the requested admission.

9. If WCI's response to a Request for Admission is an objection, the reasons for the objection must be stated with particularity.

10. When good faith requires that WCI qualify its answer or deny only a part of the matter for which an admission is requested, WCI must specify the portions of the Request for Admission which WCI admits and then deny or qualify its answer as to the remainder.

11. Wherever a denial or partial denial is made as a

response to a Request for Admission, WCI shall state each and every fact that forms the basis for the denial or partial denial, and shall identify all documents that are relevant to the denial or partial denial.

12. WCI may not give lack of information or knowledge as a reason for failure to admit or deny a requested admission unless WCI has made reasonable inquiry and unless the information known or readily obtainable by WCI is insufficient to enable WCI to admit or deny the matter for which an admission is requested. In such case, WCI shall set forth the nature of the inquiry undertaken.

13. In cases where a Request refers to terms which are defined under the Definitions, the appropriate Definition(s) shall be consulted when responding.

14. Unless otherwise indicated, these Requests for Admissions apply to the time period from January 1, 1987, until the date of the response to the Request.

#### B. Interrogatories

1. Pursuant to Rule 33(a) of the Federal Rules of Civil Procedure these interrogatories are to be answered separately and fully in writing under oath, unless objected to, in which event the reasons for objection are to be stated in lieu of an answer. If only part of an interrogatory is objected to, the balance of the interrogatory should be answered in full. Answers are to be

signed by the person making them and objections by the attorney making them.

2. Answer each interrogatory to the fullest extent possible. Include in your answer an explanation of the extent, if any, to which your answer is incomplete, limited or qualified. Preface each answer with the interrogatory to which it responds.

3. These interrogatories cover all information in the possession, custody, or control of WCI, and any of its divisions and subsidiaries, officers, employees, contractors, attorneys or agents.

4. If any information is responsive to an interrogatory but is withheld under claim of privilege or for other reason, provide: (a) a description of the information; (b) the date, title, author, recipients and custodian of any document related to that information; (c) a description of the privilege or theory upon which the information is being withheld; (d) all information relating to the withholding of the information, including but not limited to all facts on which you will rely in establishing the elements of the privilege or theory, and all facts pertinent to waiver of such privilege or theory; and (e) the identification of each person with knowledge of the information or with knowledge of the facts or circumstances related to your decision to withhold the information.

5. When asked to identify a person or source in response to



an interrogatory, provide the following facts regarding that person, both as they existed at the time of the activities described in the interrogatory response and as they exist currently. For a natural person, (a) full name, (b) employer, (c) position or job title, (d) addresses and telephone numbers at which the person may be contacted. For a partnership, corporation or other organization, (a) correct name, (b) address of the main office and of any other office which was involved in the matters addressed by the interrogatory, (c) place of incorporation and (d) the names and positions of the natural persons representing the organization in the matters addressed by the interrogatory. Also, for anyone identified, provide the person's last known addresses and telephone numbers if you do not know the correct current addresses and telephone numbers.

6. When asked to identify information or documents, provide the following facts: for documents, the author, recipient, date, number of pages, identification numbers of copies furnished in response to plaintiff's first request for the production of documents, and if not furnished in such response, the substance of the documents and the identification of the persons who have possession or control of the original and copies of the documents; for information which is not identified as "documents," its form, substance, the author or speaker, the recipient and date.

7. When asked to identify a "communication" or "submission", provide the following facts: whether it was oral or written, its date, the identities of the person issuing or making it and of each other person present or receiving it, its substance and of any response thereto, and the identity of the document.

8. When asked to identify an "analysis", state the date the sample was taken, the identity of the persons taking the sample and making the analysis, and a description of the identity and concentration of each substance found in the analysis.

9. Unless otherwise stated, the interrogatories apply to the time period between January 1, 1987, and the date WCI answers them.

10. Documents produced pursuant to these Interrogatories should be produced separately for each request, in the order in which they appear in the files, and should not be shuffled or otherwise rearranged. Documents that in their original condition were stapled, clipped, or otherwise fastened together should be produced in such form. To facilitate the handling of documents produced and to prevent confusion with documents produced from other sources, mark each page produced at the lower right-hand corner with the initials of your company and number each page sequentially. Place all documents produced in file folders or other enclosures bearing the name or abbreviation of your

company.

11. These interrogatories are continuing in nature. To the extent the responses may be enlarged, diminished, or modified by information acquired by Defendant following service of its responses, Defendant should promptly serve supplemental answers reflecting such information, as required by Fed. R. Civ. P.26(e).

12. If Defendant objects to any discovery as vague or burdensome, it should answer to the best of its ability and in good faith, preserving any bona fide objections if necessary. Because the United States may not know in advance the requests to which the Defendant may object as overly vague or burdensome, the United States requests that the Defendant attempt to obtain clarification or delimiting of such discovery from the undersigned counsel, if circumstances otherwise prevent a full response to the question as written.

\* \* \*

Plaintiff requests that WCI serve its responses to these Requests for Admissions and Interrogatories within the time provided by the Federal Rules of Civil Procedure upon Plaintiff's counsel at the Environmental Enforcement Section, Environment and Natural Resources Division, United States Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044-7611.

## DEFINITIONS

1. "WCI" means WCI Steel, Inc., its wholly or partly owned subsidiaries, affiliates or divisions, its predecessors-in-interest, if any, its present and former officers, directors, employees, agents, representatives, and any other person acting in a consulting, advisory, supervisory or reviewing capacity (including any parent company) to, or acting or purporting to act on behalf of, any of the foregoing.

2. "Facility" means WCI's Steel plant located at 1040 Pine Avenue, S.E., Warren, Ohio, including all buildings, structures, equipment and surface impoundments located there.

3. "Impoundments" means surface impoundments designated or referred to by WCI as Ponds 5, 6 and 6A at the Facility.

4. "Or" and "and" mean the most inclusive of and/or.

5. "Document" means any written, recorded, or graphic material of any kind, whether prepared by WCI or by any other person, that is in the possession, custody, or control of WCI. The term includes but is not limited to: agreements; contracts; letters; telegrams; interoffice communications; memoranda; reports; records; instructions; specifications; notes; notebooks; scrapbooks; diaries; plans; drawings; sketches; blueprints; diagrams; photographs; photocopies; charts; graphs; descriptions; drafts; notes and minutes of meetings and conferences; telephone or other conversations or communications; invoices; purchase

orders; bills of lading; recordings; published or unpublished speeches or articles; publications; transcripts of telephone conversations; deposition transcripts; ledgers; financial statements; microfilm; microfiche; tape or disk recordings; and computer printouts. The term "document" also includes electronically stored data from which information can be obtained either directly or by translation through detection devices or readers; any such document is to be produced in a reasonably legible and usable form. The term "document" includes the original document (or a copy thereof if the original is not available) and all copies which differ in any respect from the original, including any notation, underlining, marking, or information not on the original.

6. "RCRA" shall mean the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901 et. seq.

#### REQUESTS FOR ADMISSIONS

1. Please admit that during times relevant to the Complaint, WCI has operated an integrated steel mill near Warren, Ohio, for the production of hot rolled, cold rolled and coated flat steel products.

2. Please admit that during times relevant to the Complaint, WCI's steel production operations have included one iron-making blast furnace; a two-vessel basic oxygen furnace (BOF) steelmaking shop; a ladle metallurgy, including a vacuum degasser; a twin-strand continuous slab caster; a 56'' hot strip mill; the Nos. 5 and 6 hydrochloric acid pickling lines; a hydrochloric acid regeneration plant; a 4-stand tandem cold rolling mill; batch annealing facilities; temper cold rolling mills; two sheet slitters; a hot dip galvanizing line; a hot-dipterne coating line; a silicon steel anneal and coating line; and ancillary utility and pollution control equipment.

3. Please admit that during times relevant to the Complaint, products from the WCI's steel mill operations have

included hot rolled strip steel, pickled and oiled hot rolled steel strip, cold rolled steels and coated steels.

4. Please admit that during times relevant to the Complaint, WCI's steel finishing operations have generated acidic wastewater streams.

5. Please admit that during times relevant to the Complaint, WCI's facility had a steel finishing area process wastewater collection system.

6. Please admit that during times relevant to the Complaint, WCI's steel finishing area process wastewater collection system has consisted of a series of underground sewers leading from the steel finishing process areas to an in-ground pump station known as the No. 9 pump station; a force-main from the No. 9 pump station leading to a sump located on the bank of the Mahoning River, south of the acid regeneration plant (the "bosh box" or "bosh tank"); and a gravity sewer from the bosh box to Pond 5.

7. Please admit that during times relevant to the Complaint, the contents of Pond 5 have emptied into Pond 6.

8. Please admit that during times relevant to the Complaint, the water in Pond 6 has been pumped to the Central Treatment Plant (CTP).



9. Please admit that from at least November 8, 1988, to the present, Ponds 5 and 6 have been in use at WCI.

10. Please admit that in 1987, WCI installed Pond 6A to intercept seepage from Pond 6 that was being discharged to the Mahoning River.

11. Please admit that from at least 1987 to the present, Pond 6A has been in use at WCI.

12. Please admit that since at least 1987, wastewater collected in Pond 6A has been pumped back to Pond 6 and on to the CTP for treatment.

13. Please admit that during times relevant to the Complaint, the process wastewater generated in WCI's steel finishing operations has been routed directly to No. 9 Lift station.

14. Please admit that during times relevant to the Complaint, flows from the No. 6 Pickle line (e.g., looping pit water) have been discharged to a sump called the No. 5 Pit and then to the Outfall 004 pump station.

15. Please admit that during times relevant to the Complaint, Outfall 004 has discharged to the bosh box.

16. Please admit that during times relevant to the Complaint, WCI's wastewater collection system and the impoundments have collected surface water runoff from the steel finishing area that drains directly to Ponds 5, 6 and 6A.

17. Please admit that during times relevant to the Complaint, since as early as 1984, WCI discharged acidic wastewater from its steel finishing operations to Ponds 5 and 6.

18. Please admit that during the period 1988 to the present, WCI CTP operators accurately recorded on turn audit reports (in its various forms throughout the years) the pH values reflected on the pH meters for the influent wastewater from Pond 6.

19. Please admit that, prior to installation of a lime neutralization system in December 1993, WCI CTP operators recorded at various times pH values of 2.0 s.u. and below for the influent wastewater from Pond 6.

20. Please admit that WCI installed the CTP in 1984 for the purpose of treating all process wastewater from the steel finishing operations (including acid pickling, cold rolling and coatings), a wastewater stream from the BOF shop, and a wastewater stream from boiler house operations.

21. Please admit that during times relevant to the Complaint, and since the CTP was installed, the CTP had pH probes and meters at the aeration tank, rapid mix tank and the No. 3 clarifier.

22. Please admit that during times relevant to the Complaint, probes used by WCI to monitor for pH in the CTP were manufactured by Great Lakes Instruments, Inc.

23. Please admit that during times relevant to the Complaint, the probes used by WCI to monitor for pH were designed and manufactured to provide accurate pH readings.

24. Please admit that during times relevant to the Complaint, at least once each week, the Combustion Department at WCI calibrated the meters used by WCI to measure the pH of the wastewater flowing into the CTP from Pond 6.

25. Please admit that during times relevant to the Complaint, the Combustion Department at WCI calibrated the meters used by WCI to measure the pH of the wastewater flowing into the CTP from Pond 6 by removing the submerged pH probe from the wastewater flow and calibrating with at least two standards of known pH.

26. Please admit that during times relevant to the Complaint, at least once each week, the Combustion Department at WCI cleaned the pH probes used by WCI to measure the pH of the wastewater flowing into the CTP from Pond 6.

27. Please admit that during times relevant to the Complaint, the Combustion Department at WCI cleaned the pH probes used by WCI to measure the pH of the wastewater flowing into the CTP from Pond 6 by removing the submerged probe from the flow of the wastewater and dipping the probe in acid.

28. Please admit that during times relevant to the Complaint, at least once a shift and more often if necessary, WCI CTP operators cleaned the pH probes used by WCI to measure the pH of wastewater flowing into the CTP from Pond 6.

29. Please admit that during times relevant to the Complaint, at least once a shift and more often if necessary, WCI CTP operators cleaned the pH probes used by WCI to measure the pH wastewater flowing into the CTP from Pond 6 by removing the submerged probe from the flow of the wastewater and dipping the probe in acid.

30. Please admit that during times relevant to the Complaint, at one or two hour intervals, WCI CTP operators recorded the digital displays of inflow pH measurements from pH meters placed at a variety of locations in the CTP, including the pH meter used to measured the pH of influent wastewater from Pond 6 as it flowed into the aeration tank.



31. Please admit that during times relevant to the Complaint, the pH electrode (or probe) attached to the pH meter read by the CTP operators for Pond 6 wastewater measurements was located in the flow of the wastewater at the aeration tank.

32. Please admit that during times relevant to the Complaint, the pH probe at the aeration tank used by WCI to measure the pH of influent Pond 6 wastewater was designed to measure such wastewater before it was commingled with other wastewater entering the CTP.

33. Please admit that during times relevant to the Complaint, to verify the accuracy of the inflow pH measurements (measurements by the probes and meters), the CTP operators, on occasion, collected grab samples from the influent Pond 6 wastewater as it entered the aeration tank at the CTP.

34. Please admit that WCI installed the lime injection system at the No. 9 Lift Station in December 1993 to maintain the pH of the wastewater flowing into Ponds 5, 6 and 6A above 2.0 s.u.

35. Please admit that during times relevant to the Complaint, the CTP operators collected grab samples from the Pond 6 wastewater by placing a laboratory beaker or bottle in the flow of the wastewater as it flowed into the aeration tank at the CTP.

36. Please admit that during times relevant to the Complaint, the CTP operators used a bench pH meter from the CTP laboratory to measure the pH of the grab samples collected from the flow of the Pond 6 wastewater as it entered the CTP.

37. Please admit that during times relevant to the Complaint, the bench meter used by the CTP operators to measure the pH of grab samples collected from the flow of the Pond 6 wastewater was calibrated using standards of known pH values.

38. Please admit that during times relevant to the Complaint, the bench meter used by CTP operators to measure the pH of the grab samples collected from the flow of the Pond 6 wastewater was calibrated with known pH standards of 2,4,7 and 10, depending on the inflow pH measurements (pH measurements by the probes).

39. Please admit that in 1993, CTP operators recorded inflow pH measurements for influent Pond 6 wastewater of 2.0 s.u. at least 50% of the time.

40. Please admit that neither WCI nor any other party included or identified the impoundments as hazardous waste management units used to treat, store or dispose of hazardous waste in any RCRA Part A Permit Application or amended Permit Application, submitted to U.S. EPA or to OEPA under the provisions of 40 C.F.R. § 270.13 and O.A.C. § 3745-50-43.

41. Please admit that neither WCI nor any other party included or identified the impoundments as hazardous waste management units used to treat, store or dispose of hazardous waste in any RCRA Part B Permit Application or amended Permit Application, submitted to U.S. EPA or to OEPA under the provisions of 40 C.F.R. § 270.14 and O.A.C. § 3745-50-44.

42. Please admit that WCI has never had interim status under the provisions of Section 3005 of RCRA authorizing WCI to manage, treat or store hazardous wastes in Ponds 5, 6 and 6A.

43. Please admit that the impoundments do not meet all of the minimum technological requirements contained in Section 3004(o)(1)(A) of RCRA, 42 U.S.C. § 6924(o)(1)(A), or in 40 C.F.R. § 264.221 or O.A.C. § 3745-56-21.

44. Please admit that WCI has never had a written RCRA closure plan for the impoundments which was prepared to meet the requirements of 40 C.F.R. § 264.112 and O.A.C. § 3745-55-12.

45. Please admit that WCI never submitted to U.S. EPA or to OEPA a written RCRA closure plan for the impoundments which was prepared and submitted under the provisions of 40 C.F.R. § 264.112 and O.A.C. § 3745-55-12.

46. Please admit that WCI has not installed, operated and maintained a ground-water monitoring system for the impoundments which meets the criteria listed in 40 C.F.R. Part 264, Subpart F, and O.A.C. §§ 3745-54-90 through 3745-54-99 and 3745-55-01 through 3745-55-02.

47. Please admit that WCI has never possessed a detailed written estimate, in current dollars, of the cost of closing the impoundments under the RCRA standards set forth in 40 C.F.R. Part 264 and O.A.C. §§ 3745-55-40 through 3745-55-51.

48. Please admit that WCI never made a chemical laboratory waste determination of the solid waste treated, stored and disposed of in the impoundments as required by 40 C.F.R. § 262.11.

49. Please admit that WCI never provided U.S. EPA with the results of any waste analysis and/or waste determination of the solid waste treated, stored and disposed of in the impoundments conducted to meet the requirements of 40 C.F.R. § 262.11.



50. Please admit that WCI never advised, notified or otherwise informed U.S. EPA and OEPA that it was treating, storing and/or disposing of hazardous waste in the impoundments.

51. Please admit that at times relevant to the Complaint, WCI's wastewater collection system collected a listed (K062) waste, from various sources, which may have included the pickler sumps, the silicon settling tank and pinhole leaks at the picklers.

52. Please admit that at various times relevant to the Complaint, WCI spilled or leaked corrosive waste at the facility.

53. Please admit that during times relevant to the Complaint, if WCI neutralized with lime the corrosive waste that was spilled or leaked from equipment in the steel finishing areas at the facility, WCI did not subsequently chemically analyze the waste to determine that it was no longer hazardous before the waste flowed into the sewers.

54. Please admit that at times relevant to the Complaint, after February 1992, WCI's listed (K062) waste from various sources (which may have included the pickler sumps, the silicon settling tank and pinhole leaks at the picklers) was treated, stored and disposed of as a listed waste (K062) in the impoundments.

55. Please admit that from November 8, 1988, to the present, Ponds 5, 6 and 6A have continued to receive process wastewater from the steel finishing operations at the facility.

56. Please admit that on numerous occasions during the period November 8, 1988, to the present, WCI treated, stored and disposed of a wastewater with a pH level of less than or equal to 2.0 s.u. in the impoundments.

57. Please admit that at various times during the period July 8, 1987, to the present, wastewater from one or more of the impoundments at WCI, including Ponds 5, 6 and 6A, was released into the environment, including the Mahoning River.

58. Please admit that Ponds 5, 6 and 6A are unlined earthen impoundments.

59. Please admit that WCI's integrated steel mill near Warren, Ohio, is "facility" within the meaning of 40 C.F.R. § 260.10 and O.A.C. § 3745-50-10(A) (35).

60. Please admit that during times relevant to the Complaint, WCI's knowledge regarding the pH values of the waste stream flowing into Ponds 5, 6 and 6A has been based solely on the data from the pH meters placed in the aeration tank at the CTP and/or grab samples taken from the aeration tank and the

impoundments.

61. Please admit that WCI's evidence of the pH of the waste stream flowing into the Ponds 5, 6 and 6A since November 8, 1988, is limited to turn audit reports, operator logs, daily and monthly computer generated pH records, and pH sampling conducted by Killam Associates on behalf of WCI.

#### INTERROGATORIES

##### Interrogatory No. 92:

If WCI has evidence of the pH of the waste stream flowing into Ponds 5, 6 and 6A other than the evidence listed in Request for Admission No. 61, please identify and produce each additional document or other evidence regarding the pH of the waste stream flowing into Ponds 5, 6 and 6A.

##### Interrogatory No. 93:

State whether WCI claims that it used knowledge of its waste stream to characterize its wastes for purposes of making waste determinations required under 40 C.F.R. § 262.11 with respect to wastes flowing into or disposed of in the impoundments.

Interrogatory No. 94:

If WCI claims that it used knowledge of its waste stream to characterize its wastes for purposes of making waste determinations under 40 C.F.R. § 262.11 with respect to wastes flowing into or disposed of in the impoundments, please state what waste determinations WCI made for each waste stream.

Interrogatory No. 95:

If WCI claims that it used knowledge of its waste stream to characterize its wastes for purposes of making waste determinations under 40 C.F.R. § 262.11 with respect to wastes flowing into or disposed of in the impoundments, please identify the dates on which such determinations were made for each waste stream.

Interrogatory No. 96:

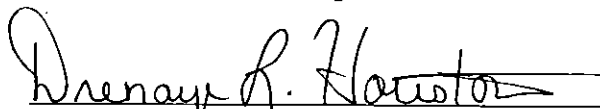
If WCI claims that it used knowledge of its waste stream to characterize its wastes for purposes of making waste determinations under 40 C.F.R. § 262.11 with respect to wastes flowing into or disposed of in the impoundments, please identify each person involved in making such determinations for each waste stream.

Interrogatory No. 97:

If WCI claims that it used knowledge of its waste stream to characterize its wastes flowing into the impoundments for purposes of making waste determinations under 40 C.F.R. § 262.11 with respect to wastes flowing into or disposed of in the impoundments, please identify all samples taken for the purpose of making such determinations for each waste stream.

Respectfully submitted,

Lois J. Schiffer  
Assistant Attorney General  
Environment & Natural Resources  
Division  
United States Department of Justice

  
Drenaye L. Houston

Environmental Enforcement Section  
U.S. Department of Justice  
P.O. Box 7611, Ben Franklin Station  
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Assistant Regional Counsel  
U.S. EPA -- Region 5  
77 West Jackson  
Chicago, Illinois 60604

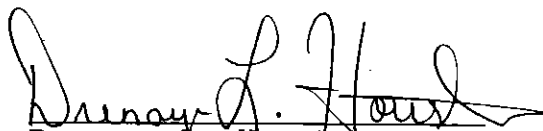


CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing United States' First Set of Requests for Admissions and Second Set of Interrogatories was served on the following counsel for Defendant, by hand delivery, this 20<sup>th</sup> day of April, 1999:

VAN CARSON  
Squire, Sanders & Dempsey  
4900 Key Tower  
127 Public Square  
Cleveland, OH 44114-1304

VINCENT ATRIANO  
Squire, Sanders & Dempsey  
1300 Huntington Center  
41 South High Street  
Columbus, OH 43215

  
Drenaye L. Houston



Number and Distribution of pH Measurements  
WCI Central Treatment Plant Influent From Pond No. 6  
By Year and Total 1988-1998

pH	1988*	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998*	Total Years
≤1.0	0	1	10	35	20	45	0	0	0	0	0	111
1.1	0	0	2	18	13	35	0	0	0	0	0	68
1.2	0	0	8	24	39	48	0	0	0	0	0	119
1.3	2	0	3	48	64	73	0	0	0	0	0	190
1.4	47	7	2	109	109	98	0	0	0	0	0	372
1.5	30	44	13	176	156	131	2	0	0	0	0	552
1.6	66	107	37	312	266	170	2	0	0	0	0	960
1.7	50	313	98	360	273	231	11	0	0	0	0	1,336
1.8	24	470	195	436	309	410	21	0	0	0	0	1,865
1.9	29	686	371	520	379	537	70	6	0	0	0	2,598
2.0	121	653	607	381	350	532	239	7	0	0	0	2,890
Total ≤2	369	2,281	1,346	2,419	1,978	2,310	345	13	0	0	0	11,061
2.1-2.5	787	1,630	1,853	1,512	1,427	1,363	921	115	63	58	1	9,727
2.6-12.4	266	425	989	432	934	700	3,105	7,971	8,708	8,683	5,038	37,251
12.5-14	0	0	0	0	10	0	6	0	0	15	0	31
Grand Total	1,422	4,336	4,189	4,363	4,349	4,373	4,377	8,099	8,771	8,741	5,039	58,059
% of Grand Total ≤2	25.9%	52.6%	32.1%	55.4%	45.5%	52.8%	7.9%	0.2%	0.0%	0.0%	0.0%	19.1%
% of Grand Total ≤2 (Cumulative)**	25.9%	46.0%	40.2%	44.8%	45.0%	46.5%	40.3%	31.2%	25.0%	20.9%	19.1%	19.1%

Source: WCI Central Treatment Plant Turn Audit Forms

\*Partial year available

\*\*Includes year referenced and all prior years to 1988

Number and Distribution of pH Measurements  
WCI Central Treatment Plant Influent From Pond No. 6  
By Month and Total Year, 1988\*

pH	<u>Sept</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Total Year</u>
≤1.0	0	0	0	0	0
1.1	0	0	0	0	0
1.2	0	0	0	0	0
1.3	0	2	0	0	2
1.4	0	41	6	0	47
1.5	0	28	2	0	30
1.6	0	16	41	9	66
1.7	0	9	34	7	50
1.8	0	9	15	0	24
1.9	8	14	6	1	29
2.0	<u>34</u>	<u>33</u>	<u>4</u>	<u>50</u>	<u>121</u>
Total ≤2	<u>42</u>	<u>152</u>	<u>108</u>	<u>67</u>	<u>369</u>
2.1-2.5	280	189	128	190	787
2.6-12.4	38	14	107	107	266
12.5-14	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Grand Total	<u>360</u>	<u>355</u>	<u>343</u>	<u>364</u>	<u>1,422</u>
% of Grand					
Total ≤2	11.7%	42.8%	31.5%	18.4%	25.9%

Source: WCI Central Treatment Plant Turn Audit Forms

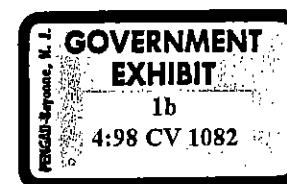
\*Partial year available.



Number and Distribution of pH Measurements  
WCI Central Treatment Plant Influent From Pond No. 6  
By Month and Total Year, 1989

pH	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Year
≤1.0	0	0	0	0	0	0	0	0	1	0	0	0	1
1.1	0	0	0	0	0	0	0	0	0	0	0	0	0
1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
1.4	2	0	0	0	0	0	0	0	0	5	0	0	7
1.5	4	0	2	8	0	0	0	1	3	26	0	0	44
1.6	8	3	16	21	10	0	0	3	17	28	1	0	107
1.7	4	17	36	68	71	0	2	14	37	32	32	0	313
1.8	36	14	58	73	62	3	29	16	75	50	54	0	470
1.9	43	17	82	99	57	53	88	42	59	67	78	1	686
2.0	<u>31</u>	<u>29</u>	<u>64</u>	<u>50</u>	<u>80</u>	<u>69</u>	<u>82</u>	<u>77</u>	<u>40</u>	<u>83</u>	<u>43</u>	<u>5</u>	<u>653</u>
Total ≤2	<u>128</u>	<u>80</u>	<u>258</u>	<u>319</u>	<u>280</u>	<u>125</u>	<u>201</u>	<u>153</u>	<u>232</u>	<u>291</u>	<u>208</u>	<u>6</u>	<u>2,281</u>
2.1-2.5	211	254	105	39	70	180	139	193	117	63	80	179	1,630
2.6-12.4	28	2	8	2	10	55	30	21	11	1	70	187	425
12.5-14	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Grand Total	<u>367</u>	<u>336</u>	<u>371</u>	<u>360</u>	<u>360</u>	<u>360</u>	<u>370</u>	<u>367</u>	<u>360</u>	<u>355</u>	<u>358</u>	<u>372</u>	<u>4,336</u>
% of Grand Total ≤2	34.9%	23.8%	69.5%	88.6%	77.8%	34.7%	54.3%	41.7%	64.4%	82.0%	58.1%	1.6%	52.6%

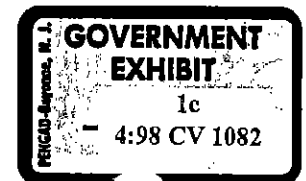
Source: WCI Central Treatment Plant Turn Audit Forms



Number and Distribution of pH Measurements  
WCI Central Treatment Plant Influent From Pond No. 6  
By Month and Total Year, 1990

pH	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Year
≤1.0	0	0	0	0	0	0	0	0	0	0	0	10	10
1.1	0	0	0	0	0	0	0	0	0	0	0	2	2
1.2	0	0	0	0	0	0	0	0	0	0	0	8	8
1.3	0	0	0	0	0	0	0	0	0	0	0	3	3
1.4	0	0	0	0	0	0	0	0	1	0	0	1	2
1.5	0	0	0	2	6	0	0	1	1	0	0	3	13
1.6	0	0	2	9	2	0	3	6	6	0	8	1	37
1.7	0	0	10	13	13	0	6	6	11	2	27	10	98
1.8	0	2	17	21	30	8	12	5	23	7	60	10	195
1.9	0	16	52	39	58	16	21	7	35	23	71	33	371
2.0	<u>0</u>	<u>28</u>	<u>79</u>	<u>37</u>	<u>53</u>	<u>58</u>	<u>75</u>	<u>3</u>	<u>67</u>	<u>76</u>	<u>81</u>	<u>50</u>	<u>607</u>
Total ≤2	<u>0</u>	<u>46</u>	<u>160</u>	<u>121</u>	<u>162</u>	<u>82</u>	<u>117</u>	<u>28</u>	<u>144</u>	<u>108</u>	<u>247</u>	<u>131</u>	<u>1,346</u>
2.1-2.5	58	220	141	186	163	230	114	110	156	236	60	179	1,853
2.6-12.4	314	70	27	51	31	51	9	234	60	28	53	62	990
12.5-14	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Grand Total	372	336	328	358	356	363	240	372	360	372	360	372	4,189
% of Grand													
Total ≤2	0.0%	13.7%	48.8%	33.8%	45.5%	22.6%	48.8%	7.5%	40.0%	29.0%	68.6%	35.2%	32.1%

Source: WCI Central Treatment Plant Turn Audit Forms



Number and Distribution of pH Measurements  
WCI Central Treatment Plant Influent From Pond No. 6  
By Month and Total Year, 1991

pH	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Year
≤1.0	34	0	0	0	1	0	0	0	0	0	0	0	35
1.1	9	0	0	0	0	0	0	9	0	0	0	0	18
1.2	1	0	0	0	0	0	0	23	0	0	0	0	24
1.3	2	0	0	3	4	0	1	36	2	0	0	0	48
1.4	7	0	0	10	16	6	11	45	13	0	1	0	109
1.5	1	2	2	13	28	5	31	59	35	0	0	0	176
1.6	4	23	21	30	73	2	32	64	61	0	0	2	312
1.7	6	19	37	45	93	2	22	61	51	2	2	20	360
1.8	19	54	64	47	52	14	22	23	67	19	22	33	436
1.9	22	66	63	60	63	20	20	29	47	47	37	46	520
2.0	39	43	40	32	27	30	19	20	39	29	45	18	381
Total ≤2	144	207	227	240	357	79	158	369	315	97	107	119	2,419
2.1-2.5	179	114	103	78	11	269	193	1	40	218	172	134	1,512
2.6-12.4	49	15	36	40	1	7	20	2	5	57	81	119	432
12.5-14	0	0	0	0	0	0	0	0	0	0	0	0	0
Grand Total	372	336	366	358	369	355	371	372	360	372	360	372	4,363
% of Grand Total ≤2	38.7%	61.6%	62.0%	67.0%	96.7%	22.3%	42.6%	99.2%	87.5%	26.1%	29.7%	32.0%	55.4%

Source: WCI Central Treatment Plant Turn Audit Forms



Number and Distribution of pH Measurements  
WCI Central Treatment Plant Influent From Pond No. 6  
By Month and Total Year, 1992

pH	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Year
≤1.0	0	0	0	0	0	2	16	1	0	1	0	0	20
1.1	0	0	0	1	1	5	0	0	1	5	0	0	13
1.2	0	0	0	1	1	14	2	0	0	21	0	0	39
1.3	0	0	2	0	0	32	0	2	5	23	0	0	64
1.4	0	0	7	0	1	38	0	3	18	42	0	0	109
1.5	0	0	17	4	6	37	1	17	39	34	1	0	156
1.6	0	3	57	12	8	34	16	50	30	53	3	0	266
1.7	0	3	51	25	9	18	29	65	17	40	16	0	273
1.8	0	4	43	36	39	14	31	56	30	29	13	14	309
1.9	1	3	44	72	59	10	21	37	35	32	35	30	379
2.0	<u>9</u>	<u>19</u>	<u>61</u>	<u>71</u>	<u>50</u>	<u>7</u>	<u>13</u>	<u>11</u>	<u>29</u>	<u>17</u>	<u>30</u>	<u>33</u>	<u>350</u>
Total ≤2	<u>10</u>	<u>32</u>	<u>282</u>	<u>222</u>	<u>174</u>	<u>211</u>	<u>129</u>	<u>242</u>	<u>204</u>	<u>297</u>	<u>98</u>	<u>77</u>	<u>1,978</u>
2.1-2.5	147	284	74	117	148	73	137	23	108	42	139	135	1,427
2.6-12.4	214	32	13	16	30	63	106	104	47	33	116	160	934
12.5-14	<u>0</u>	<u>0</u>	<u>0</u>	<u>2</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>7</u>	<u>0</u>	<u>10</u>
Grand Total	<u>371</u>	<u>348</u>	<u>369</u>	<u>357</u>	<u>352</u>	<u>348</u>	<u>372</u>	<u>369</u>	<u>359</u>	<u>372</u>	<u>360</u>	<u>372</u>	<u>4,349</u>
% of Grand Total ≤2	2.7%	9.2%	76.4%	62.2%	49.4%	60.6%	34.7%	65.6%	56.8%	79.8%	27.2%	20.7%	45.5%

Source: WCI Central Treatment Plant Turn Audit Forms

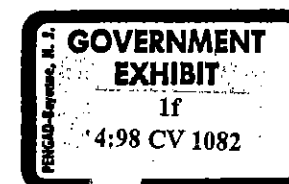




Number and Distribution of pH Measurements  
WCI Central Treatment Plant Influent From Pond No. 6  
By Month and Total Year, 1993

pH	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Year
≤1.0	10	0	21	10	4	0	0	0	0	0	0	0	45
1.1	1	0	17	0	17	0	0	0	0	0	0	0	35
1.2	1	1	15	4	20	7	0	0	0	0	0	0	48
1.3	0	5	18	6	23	21	0	0	0	0	0	0	73
1.4	10	3	14	3	52	16	0	0	0	0	0	0	98
1.5	14	8	13	5	53	35	1	0	0	2	0	0	131
1.6	17	15	13	12	50	54	1	0	2	6	0	0	170
1.7	33	21	7	25	49	24	0	8	21	30	10	3	231
1.8	43	5	9	39	28	28	1	56	48	115	25	13	410
1.9	43	4	26	44	31	28	9	77	51	119	47	58	537
2.0	<u>31</u>	<u>18</u>	<u>52</u>	<u>46</u>	<u>11</u>	<u>23</u>	<u>15</u>	<u>59</u>	<u>30</u>	<u>51</u>	<u>83</u>	<u>113</u>	<u>532</u>
Total ≤2	<u>203</u>	<u>80</u>	<u>205</u>	<u>194</u>	<u>338</u>	<u>236</u>	<u>27</u>	<u>200</u>	<u>152</u>	<u>323</u>	<u>165</u>	<u>187</u>	<u>2,310</u>
2.1-2.5	97	61	124	103	22	84	240	153	113	39	160	167	1,363
2.6-12.4	71	194	43	63	12	39	105	18	95	8	35	17	700
12.5-14	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Grand Total	<u>371</u>	<u>335</u>	<u>372</u>	<u>360</u>	<u>372</u>	<u>359</u>	<u>372</u>	<u>371</u>	<u>360</u>	<u>370</u>	<u>360</u>	<u>371</u>	<u>4,373</u>
% of Grand Total ≤2	54.7%	23.9%	55.1%	53.9%	90.9%	65.7%	7.3%	53.9%	42.2%	87.3%	45.8%	50.4%	52.8%

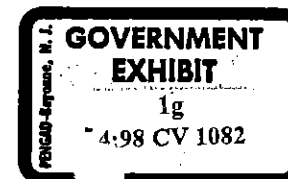
Source: WCI Central Treatment Plant Turn Audit Forms



Number and Distribution of pH Measurements  
WCI Central treatment Plant Influent From Pond No. 6  
by Month and Total Year, 1994

pH	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Year
≤1.0	0	0	0	0	0	0	0	0	0	0	0	0	0
1.1	0	0	0	0	0	0	0	0	0	0	0	0	0
1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
1.5	0	0	2	0	0	0	0	0	0	0	0	0	2
1.6	1	0	0	0	0	1	0	0	0	0	0	0	2
1.7	0	1	6	1	0	3	0	0	0	0	0	0	11
1.8	1	5	11	3	1	0	0	0	0	0	0	0	21
1.9	2	13	36	1	12	6	0	0	0	0	0	0	70
2.0	<u>29</u>	<u>34</u>	<u>62</u>	<u>65</u>	<u>19</u>	<u>18</u>	<u>0</u>	<u>0</u>	<u>12</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>239</u>
Total ≤2	<u>33</u>	<u>53</u>	<u>117</u>	<u>70</u>	<u>32</u>	<u>28</u>	<u>0</u>	<u>0</u>	<u>12</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>345</u>
2.1-2.5	176	158	177	146	103	55	0	0	106	0	0	0	921
2.6-12.4	163	125	78	143	229	277	372	372	242	372	360	372	3,105
12.5-14	<u>0</u>	<u>0</u>	<u>0</u>	<u>1</u>	<u>5</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>6</u>
Grand Total	<u>372</u>	<u>336</u>	<u>372</u>	<u>360</u>	<u>369</u>	<u>360</u>	<u>372</u>	<u>372</u>	<u>360</u>	<u>372</u>	<u>360</u>	<u>372</u>	<u>4,377</u>
% of Grand													
Total ≤2	8.9%	15.8%	31.5%	19.4%	8.7%	7.8%	0.0%	0.0%	3.3%	0.0%	0.0%	0.0%	7.9%

Source: WCI Central Treatment Plant Turn Audit Forms



Number and Distribution of pH Measurements  
WCI Central Treatment Plant Influent From Pond No. 6  
By Month and Total Year, 1995

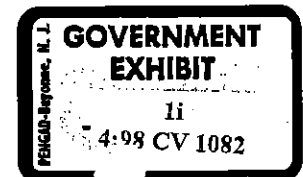
pH	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Year
≤1.0	0	0	0	0	0	0	0	0	0	0	0	0	0
1.1	0	0	0	0	0	0	0	0	0	0	0	0	0
1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
1.6	0	0	0	0	0	0	0	0	0	0	0	0	0
1.7	0	0	0	0	0	0	0	0	0	0	0	0	0
1.8	0	0	0	0	0	0	0	0	0	0	0	0	0
1.9	0	0	0	6	0	0	0	0	0	0	0	0	6
2.0	0	0	0	6	0	0	1	0	0	0	0	0	7
Total ≤2	0	0	0	12	0	0	1	0	0	0	0	0	13
2.1-2.5	13	14	24	28	1	0	22	13	0	0	0	0	115
2.6-12.4	359	393	720	669	740	719	721	731	720	739	717	743	7,971
12.5-14	0	0	0	0	0	0	0	0	0	0	0	0	0
Grand Total	372	407	744	709	741	719	744	744	720	739	717	743	8,099
% of Grand Total ≤2	0.0%	0.0%	0.0%	1.7%	0.0%	0.0%	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.2%

Source: WCI Central Treatment Plant Turn Audit Forms

Number and Distribution of pH Measurements  
WCI Central Treatment Plant Influent From Pond No. 6  
By Month and Total Year, 1996

pH	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Year
≤1.0	0	0	0	0	0	0	0	0	0	0	0	0	0
1.1	0	0	0	0	0	0	0	0	0	0	0	0	0
1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
1.6	0	0	0	0	0	0	0	0	0	0	0	0	0
1.7	0	0	0	0	0	0	0	0	0	0	0	0	0
1.8	0	0	0	0	0	0	0	0	0	0	0	0	0
1.9	0	0	0	0	0	0	0	0	0	0	0	0	0
2.0	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total ≤2	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
2.1-2.5	15	0	0	0	48	0	0	0	0	0	0	0	63
2.6-12.4	729	696	741	719	696	719	743	744	718	741	719	743	8,708
12.5-14	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Grand Total	<u>744</u>	<u>696</u>	<u>741</u>	<u>719</u>	<u>744</u>	<u>719</u>	<u>743</u>	<u>744</u>	<u>718</u>	<u>741</u>	<u>719</u>	<u>743</u>	<u>8,771</u>
% of Grand Total ≤2	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

Source: WCI Central Treatment Plant Turn Audit Forms



Number and Distribution of pH Measurements  
WCI Central Treatment Plant Influent From Pond No. 6  
By Month and Total Year, 1997

pH	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug</u>	<u>Sept</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	Total <u>Year</u>
≤1.0	0	0	0	0	0	0	0	0	0	0	0	0	0
1.1	0	0	0	0	0	0	0	0	0	0	0	0	0
1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
1.6	0	0	0	0	0	0	0	0	0	0	0	0	0
1.7	0	0	0	0	0	0	0	0	0	0	0	0	0
1.8	0	0	0	0	0	0	0	0	0	0	0	0	0
1.9	0	0	0	0	0	0	0	0	0	0	0	0	0
2.0	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total ≤2	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
2.1-2.5	5	8	0	0	0	0	0	0	0	45	0	0	58
2.6-12.4	739	649	744	720	744	720	744	744	720	696	719	744	8,683
12.5-14	<u>0</u>	<u>15</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>15</u>
Grand Total	<u>744</u>	<u>657</u>	<u>744</u>	<u>720</u>	<u>744</u>	<u>720</u>	<u>744</u>	<u>744</u>	<u>720</u>	<u>741</u>	<u>719</u>	<u>744</u>	<u>8,741</u>
% of Grand Total ≤2	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

Source: WCI Central Treatment Plant Turn Audit Form



Number and Distribution of pH Measurements  
WCI Central Treatment Plant Influent From Pond No. 6  
By Month and Total Year, 1998\*

pH	Jan	Feb	Mar	Apr	May	June	July	Total Year
≤1.0	0	0	0	0	0	0	0	0
1.1	0	0	0	0	0	0	0	0
1.2	0	0	0	0	0	0	0	0
1.3	0	0	0	0	0	0	0	0
1.4	0	0	0	0	0	0	0	0
1.5	0	0	0	0	0	0	0	0
1.6	0	0	0	0	0	0	0	0
1.7	0	0	0	0	0	0	0	0
1.8	0	0	0	0	0	0	0	0
1.9	0	0	0	0	0	0	0	0
2.0	0	0	0	0	0	0	0	0
Total ≤2	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
2.1-2.5	0	0	0	0	1	0	0	1
2.6-12.4	744	672	720	720	719	720	743	5,038
12.5-14	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Grand Total	<u>744</u>	<u>672</u>	<u>720</u>	<u>720</u>	<u>720</u>	<u>720</u>	<u>743</u>	<u>5,039</u>
% of Grand Total ≤2	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

Source: WCI Central Treatment Plant Turn Audit Form

\*Partial year available.

Number of Days with pH Measurement of 2 or Below  
WCI Central Treatment Plant Influent From Pond No. 6  
By Month and Year 1988-1998

	<u>1988*</u>	<u>1989</u>	<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>	<u>1998*</u>	<u>Total</u>
January	---	16	0	20	2	25	12	0	0	0	0	--
February	---	14	10	26	7	12	13	0	0	0	0	--
March	---	24	23	23	30	24	20	0	0	0	0	--
April	---	29	18	26	30	27	17	2	0	0	0	--
May	---	28	21	31	27	31	5	0	0	0	0	--
June	---	14	11	14	24	26	5	0	0	0	0	--
July	---	25	19	18	17	8	0	1	0	0	0	--
August	---	24	3	31	22	25	0	0	0	0	--	--
September	11	27	23	29	25	17	2	0	0	0	--	--
October	18	28	22	11	30	31	0	0	0	0	--	--
November	11	23	26	18	19	20	0	0	0	0	--	--
December	10	3	20	14	17	26	0	0	0	0	--	--
Total	<u>50</u>	<u>255</u>	<u>196</u>	<u>261</u>	<u>250</u>	<u>272</u>	<u>74</u>	<u>3</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1361</u>
% of Days in Period	41.0%	69.9%	53.7%	71.5%	68.3%	74.5%	20.3%	0.8%	0.0%	0.0%	0.0%	37.6%

Source: WCI Central Treatment Plant Turn Audit Forms

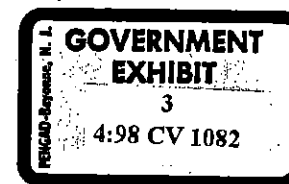
\*Partial year available.

Number of Days with pH Measurement of 1.7 or Below  
WCI Central Treatment Plant Influent From Pond No. 6  
By Month and Year 1988-1998

	1988*	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998*	Total
January	--	3	0	9	0	14	1	0	0	0	0	--
February	--	3	0	11	2	6	1	0	0	0	0	--
March	--	9	3	14	20	15	2	0	0	0	0	--
April	--	13	5	17	11	16	1	0	0	0	0	--
May	--	12	9	25	11	31	1	0	0	0	0	--
June	--	0	0	3	22	20	0	0	0	0	0	--
July	--	2	3	11	11	1	0	0	0	0	0	--
August	--	5	3	29	22	3	0	0	0	0	--	--
September	0	13	6	22	14	7	0	0	0	0	--	--
October	9	11	1	1	25	12	0	0	0	0	--	--
November	10	7	10	3	6	3	0	0	0	0	--	--
December	2	0	7	5	0	3	0	0	0	0	--	--
Total	<u>21</u>	<u>78</u>	<u>47</u>	<u>150</u>	<u>144</u>	<u>131</u>	<u>6</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>577</u>
% of Days in Period	17.2%	21.4%	12.9%	41.1%	39.3%	35.9%	4.0%	0.0%	0.0%	0.0%	0.0%	15.9%

Source: WCI Central Treatment Plant Turn Audit Forms

\*Partial year available.

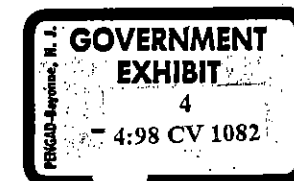




Differences Between pH Measurements:  
Probe Readings vs. Grab Samples  
WCI Central Treatment Plant Influent From Pond No. 6  
1995-1998

<u>Differences in pH Units</u>	<u>For CTP Measurements of 3 or Below</u>		<u>For CTP Measurements Above 3</u>		<u>Totals For All Measurements</u>	
	<u>Distribution</u>	<u>Percentage of Total</u>	<u>Distribution</u>	<u>Percentage of Total</u>	<u>Distribution</u>	<u>Percentage of Total</u>
0.0	38	30.2%	10	14.9%	48	24.9%
0.1	61	48.4%	21	31.3%	82	42.5%
0.2	25	19.8%	16	23.9%	41	21.2%
0.3	2	1.6%	4	6.0%	6	3.1%
0.4	0	0.0%	16	23.9%	16	8.3%
Total	<u>126</u>	<u>100.0%</u>	<u>67</u>	<u>100.0%</u>	<u>193</u>	<u>100.0%</u>
Percentage of Total With Difference Less Than or Equal to 0.2		<u>98.4%</u>		<u>70.1%</u>		<u>88.6%</u>

Source: WCI Central Treatment Plant Turn Audit Forms







U.S. Department of Justice

Environment and Natural Resources Division

JG:FB  
90-5-1-1-5027C

Environmental Enforcement Section  
P.O. Box 7611  
Washington, DC 20044-7611

Telephone (202) 514-4149  
Facsimile (202) 616-6584

November 20, 1998

Killam Associates  
f/k/a Duncan, Lagnese & Associates, Inc.  
100 Allegheny Drive  
Warrendale, PA 15086  
724/772-0200

Re: United States v. WCI Steel, Inc.  
No. 4:98CV1082 (N.D. Ohio)

Dear Sir/Madam:

The enclosed subpoena relates to a civil action by the United States against WCI Steel, Inc., for alleged violations of the Research Conservation and Recovery Act at WCI's Warren, Ohio, steel facility. The subpoena requires you to produce documents for inspection and copying at your offices on December 15, 1998, at 9:00 a.m. The documents called for by the subpoena relate to the claims and defenses asserted in the action.

If you have questions regarding the subpoena, please call me at 202/514-4149. For your information, WCI is represented in this matter by Vincent Atriano, Esq., of Squire, Sanders & Dempsey (614/365-2783).

Thank you for your cooperation.

Sincerely yours,

Frank Bentkover  
Trial Attorney

cc: Deirdre Tanaka  
Art Harris



Issued by the  
**UNITED STATES DISTRICT COURT**

WESTERN

DISTRICT OF

PENNSYLVANIA

UNITED STATES OF AMERICA,

V.

**SUBPOENA IN A CIVIL CASE**

WCI STEEL, INC.

CASE NUMBER: 4:98CV1082

N.D. Ohio

Judge James S. Gwin

TO: Killam Associates  
f/k/a Duncan, Lagnese & Associates, Inc.  
100 Allegheny Drive  
Warrendale, PA 15086  
to  
testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): Documents specified in subpoena attachment.

PLACE

DATE AND TIME

Your Company Offices.

12-15-98 9:00am

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

Attorney for Plaintiff

11-20-98

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Frank Bentkover, Environmental Enforcement Section, U.S. Department of Justice,  
P. O. Box 7611, Washington, D.C. 20044 (202)514-4149

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on Reverse)



## PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed  
on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

### Rule 45, Federal Rules of Civil Procedure, Parts C & D:

#### (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in

person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) if a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial. The court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.





## SUBPOENA ATTACHMENT

### I. DEFINITIONS

1. "WCI" means WCI Steel, Inc., its wholly or partly owned subsidiaries, affiliates or divisions, its predecessors-in-interest, if any, its present and former officers, directors, employees, agents, representatives, and any other person acting in a consulting, advisory, supervisory or reviewing capacity (including any parent company) to, or acting or purporting to act on behalf of, any of the foregoing.
2. "Facility" means the steel plant, whether owned or operated by WCI, LTV or Republic Steel, located at 1040 Pine Avenue, S.E., Warren, Ohio, including all buildings, structures, equipment and surface impoundments located there.
3. "Impoundments" means surface impoundments designated as Ponds 5, 6 and 6A at the Facility.
4. "Person" means any individual, partnership, corporation, association, or other business or legal entity.
5. "Or" and "and" mean the most inclusive of and/or.
6. "QA/QC" means quality assurance/quality control.
7. "Relate to" means discuss, describe, refer to, reflect, contain, analyze, study, report on, comment on, evidence, comprise, constitute, set forth, consider, recommend, concern, allude or pertain to, in whole or in part.
8. "Document" means any written, recorded, or graphic material of any kind, whether prepared by Killam Associates, any predecessor, successor, subsidiary or affiliate, or by any other person, that is in the possession, custody, or control of Killam

Associates. The term includes but is not limited to: agreements; contracts; letters; telegrams; interoffice communications; memoranda; reports; records; instructions; specifications; notes; notebooks; scrapbooks; diaries; plans; drawings; sketches; blueprints; diagrams; photographs; photocopies; charts; graphs; descriptions; drafts; notes and minutes of meetings and conferences, telephone or other conversations or communications; invoices; purchase orders; bills of lading; recordings; published or unpublished speeches or articles; publications; transcripts of telephone conversations; deposition transcripts; ledgers; financial statements; microfilm; microfiche; tape or disk recordings; and computer printouts. The term "document" also includes electronically stored data from which information can be obtained either directly or by translation through detection devices or readers; any such document is to be produced in a reasonably legible and usable form. The term "document" includes the original document (or a copy thereof if the original is not available) and all copies which differ in any respect from the original, including any notation, underlining, marking, or information not on the original.

## II. PERIOD COVERED

This subpoena covers all documents prepared, sent or received since January 1, 1983.

### III. DOCUMENTS TO BE PRODUCED

1. With respect to the facility, all documents that record, discuss, refer or relate to the pH, acidity or corrosiveness of any wastewaters or other substances at the facility, including those that were sent to or were in any impoundment, or at Lift Station No. 9, any bosh box, or at or entering the Central Wastewater Treatment Plant.

2. With respect to the facility, all documents that record, discuss, refer or relate to any reason or factor that caused, or may have caused, the pH to be too low, or below any particular value, or the acidity or corrosiveness to be too high, of any flows, wastewaters or other substances at the facility, including those that were conveyed to, entering, leaving, or in, the impoundments, or at or entering the Central Wastewater Treatment Plant.

3. With respect to the facility, all documents that discuss, refer or relate to increasing the pH, or to reducing the acidity or corrosiveness, or to any measure, system or project to increase the pH, or to reduce the acidity or corrosiveness of, any wastewaters or other substances at the facility, including those that were sent to, entering, leaving, or in, any impoundment, or at or entering the central wastewater treatment plant.

4. With respect to the facility, all documents that discuss, refer or relate to QA/QC, the accuracy, margin of error, sampling methodology, analysis reference method, or calibration

of any pH sensor or probe or related measuring equipment (including any manufacturer's manuals for such equipment and any documents identifying or describing such equipment) used by Killam or any other person, or of any pH measurement, of any wastewaters or other substances at the facility, including those that were sent to or were in any impoundment, or at Lift Station No. 9, any bosh box, or at or entering the Central Wastewater Treatment Plant.


5. With respect to the facility, all documents that record, discuss, refer or relate to any sampling or analysis, or to the results of such sampling or analysis, of any wastewaters, sludges or other substances at the facility, including those that were sent to or in any impoundment, or of any soils, sediments or groundwater beneath or adjacent to any of the impoundments.

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing civil subpoena to Killam Associates were served on November 20, 1998, by United States mail postage prepaid, on the following:

Van Carson, Esq.  
Squire, Sanders & Dempsey  
4900 Key Tower  
127 Public Square  
Cleveland, OH 44114-1304

Vincent Atriano, Esq.  
Squire, Sanders & Dempsey  
1300 Huntington Center  
41 South High Street  
Columbus, OH 43215



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Frank Bentkover





**IMPORTANT:** This facsimile is intended only for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected from disclosure under applicable law. If the reader of this transmission is not the intended recipient or the employee or agent responsible for delivering the transmission to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this transmission or its contents is strictly prohibited. If you have received this transmission in error, please notify us by telephoning and return the original transmission to us at the address given below.

**FROM:** Department of Justice  
Environment and Natural Resources Division

Fax No.  
Voice No.

**SENT BY:** *Frank Bentkover*  
**TO:** *Deirdre Lanaka - 312-886-0747*  
*Mike Seidle - 312-353-4342*

**FAX No.**

**NUMBER OF PAGES SENT (INCLUDING COVER PAGE):**

**SPECIAL INSTRUCTIONS:**







State of Ohio Environmental Protection Agency

STREET ADDRESS:

100 WaterMark Drive  
Columbus, OH 43215-1099

TELE: (614) 644-3020 FAX: (614) 644-2329

MAILING ADDRESS:

P.O. Box 1049  
Columbus, OH 43216-1049

August 18, 1998

Michael Beedle  
United States Environmental Protection Agency  
Region 5; DE-9J  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

Dear Mr. Michael Beedle,

Enclosed, please find copies of the information you requested and a copy of your original letter from Ohio EPA, Division of Emergency and Remedial Responses: Emergency Response Section.

**Re: WCI Steel, Inc.  
Warren, Ohio  
Trumbull County**

**Re: Republic Engineered Steels  
Canton, Ohio  
Stark County**

Please be advised that this information is from the Emergency Response Section only and that there might be other information within other units at the Ohio EPA. If you have any questions please feel free to contact me at (614) 644-2084.

**NOTE\* There will not be a charge for this information.**

Thank You,

*Cindy Lewis (sf.)*

Cindy Lewis

cc: Tim Hickin, DERR/ER  
Teri McCloskey, DERR/CRS



*Squire, Sanders & Dempsey*

L.L.P.

*Telephone (216) 479-8500*

*Telecopier (216) 479-8780*

*Counsellors at Law*

*4900 Key Tower*

*127 Public Square*

*Cleveland, Ohio 44114-1304*

*Direct Dial Number*

*(216) 479-8326*

July 6, 1998

**VIA FACSIMILE**

The Honorable Peter C. Economus  
United States District Court  
Northern District of Ohio  
U.S. Federal Building and Courthouse  
105 Market Street  
Youngstown, Ohio 44503

Re: U.S. v. WCI Steel, Inc.; Case No. 4:98CV1082 (RCRA Case)

Dear Judge Economus:

In accordance with the Court's June 16, 1998 order, attached please find WCI Steel, Inc.'s Answer to Complaint and Civil Case Information Statement which were filed and served on opposing counsel today.

Please call should you have any questions.

Very truly yours,

*Lisa D. Sutton*

Lisa D. Sutton

/dap  
Enclosures

cc: Frank Bentkover, Esq. (w/encl.)  
Arthur I. Harris, Esq. (w/encl.)  
Deirdre Tanaka, Esq. (w/encl.)

*Bratislava . Brussels . Budapest . Columbus . Jacksonville . Kyiv . London . Madrid  
Miami . Moscow . New York . Phoenix . Prague . Washington*



**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OHIO  
CIVIL CASE INFORMATION STATEMENT (CIS)**

DCM FORM N

<b>CAPTION</b>  United States v. WCI Steel, Inc.	<b>CASE NO.</b>  4:98CV1082
Consent to the Jurisdiction of a Magistrate Judge  YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>  If YES, have You Filled Out the Appropriate Form? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> *Plaintiff has not consented to jurisdiction of Magistrate Judge	<b>JUDGE:</b> Economus  <b>MAGISTRATE JUDGE:</b> Thomas
<b>TRACK ASSIGNMENT REQUESTED</b> *Case would fall under standard track with the exception that more than three expert witnesses would be necessary. WCI Steel suggests that this issue may be addressed in the Court's Case Management Plan.  Administrative <input type="checkbox"/> Expedited <input type="checkbox"/> Standard <input type="checkbox"/> Complex <input checked="" type="checkbox"/> Mass Torts <input type="checkbox"/>	
<b>ALTERNATIVE DISPUTE RESOLUTION - IS THIS CASE SUITABLE FOR DISPOSITION BY ADR? IF SO, BY WHICH ADR PROCESS(ES):</b> Yes, case is suitable for ADR.  Early Neutral Evaluation <input type="checkbox"/> Mediation <input checked="" type="checkbox"/> Arbitration <input type="checkbox"/> Summary Jury Trial <input type="checkbox"/> Summary Bench Trial <input checked="" type="checkbox"/> Other <input type="checkbox"/> See LR 16.5(a) See LR 16.6(a) See LR 16.7(a) See LR 16.8(a) See LR 16.9(a) See LR 16.10	
Is this case suitable for electronic filing? (See guidelines on reverse side.) Yes <input checked="" type="checkbox"/> No, if no, why not Filings would likely include voluminous attachments.	
Briefly describe the case; include any special characteristics that may warrant extended discovery or accelerated disposition. If complex or expedited track assignment is requested, explain why. (Use Separate Sheet if Additional Space is Required): Civil action for injunctive relief and civil penalties pursuant to Section 3008 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928. Extensive expert testimony will be necessary on compliance issues and applicable defenses.	
*Case settled and dismissed without prejudice but with Court retaining subject matter jurisdiction to enter consent decree. <b>RELATED CASE?</b> YES <input checked="" type="checkbox"/> * NO <input type="checkbox"/> <b>CASE NO.</b> 4:95CV1442 <b>JUDGE</b> Gwin	
<b>ATTORNEY NAME AND BAR I.D. NUMBER</b> Van Carson, Esq. (#0001324) Lisa D. Sutton, Esq. (#0063792) Vincent Atriano, Esq. (#0041084)	<b>TELEPHONE NUMBER</b> (216) 479-8500 (Carson & Sutton) (614) 365-2700 (Atriano)
<b>FIRM NAME AND ADDRESS</b> Squire, Sanders & Dempsey L.L.P. 4900 Key Tower 1300 Huntington Ctr. 127 Public Square 41 South High Street Cleveland, Ohio 44114 Columbus, Ohio 43215	<b>PARTY NAME - DOCUMENT TYPE</b>  Defendant WCI Steel, Inc./Answer

The information provided on the CIS statement will be used for administrative purposes only LR 3.13(b)



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA,	)	
	)	Civil Action No. 4:98CV1082
Plaintiff,	)	
	)	Judge Economus
v.	)	
	)	<b>WCI STEEL, INC.'S</b>
WCI STEEL, INC.,	)	<b>ANSWER TO COMPLAINT</b>
	)	
Defendant.	)	

Defendant WCI Steel, Inc. ("WCI Steel"), by and through its attorneys, states for its Answer to the Complaint of United States of America ("Plaintiff") as follows:

NATURE OF ACTION

1. In response to Paragraph 1, WCI Steel denies that it has committed any violation entitling Plaintiff to relief. The remainder of Paragraph 1 does not contain allegations of fact, but rather describes the action herein, and, therefore, requires no response.

### JURISDICTION AND VENUE

2. WCI Steel denies any statutory violation which could give rise to the jurisdiction alleged under the statutory provisions in Paragraph 2. WCI Steel admits that the statutes cited exist and that they speak for themselves.

3. WCI Steel denies any violation which could give rise to the venue alleged under the statutory provisions in Paragraph 3. WCI Steel admits that its facility is located in the Northern District of Ohio. WCI Steel admits that the statutes cited in Paragraph 3 exist and that they speak for themselves.

### NOTICE

4. WCI Steel is without knowledge or information sufficient to admit or deny the allegation contained in Paragraph 4 and, therefore, denies such allegation.

### STATUTORY AND REGULATORY SCHEME

5. The statements in Paragraphs 5 through 18 are not allegations of fact but rather purport to be statements of law and, therefore, require no response, except that the statutory and regulatory provisions cited therein speak for themselves.

### DEFENDANT AND ITS OPERATIONS

6. In response to Paragraph 19, WCI Steel admits that it is an Ohio corporation with its principal place of business located partially in the City of Warren, Warren Township, and Howland Township, all of which are in Ohio.

7. In response to Paragraph 20, WCI Steel admits that it owns and operates an integrated steel facility located at 1040 Pine Avenue, S.E., which is



located partially in the City of Warren, Warren Township, and Howland Township, Ohio ("the Facility"). The remainder of this Paragraph does not contain allegations of fact, but rather describes the action herein and, therefore, requires no response except that WCI Steel denies that the "6a" basin constitutes a "surface impoundment" within the meaning of the statutory and regulatory provisions cited in the Complaint.

8. In response to Paragraph 21, WCI Steel admits that on August 31, 1988, Warren Consolidated Industries, Inc. acquired the Facility from LTV Steel Company ("LTV"). On information and belief, WCI Steel states that Republic Steel Corporation operated the Facility prior to LTV.

9. In response to Paragraph 22, WCI Steel admits that it is a "person" within the meaning of Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and O.A.C. § 3745-50-10(A)(86) and 40 C.F.R. § 260.10.

10. WCI Steel denies the allegations contained in Paragraph 23.

11. In response to Paragraph 24, WCI Steel denies that the 6a basin constitutes a surface impoundment. WCI Steel denies the remaining allegations contained in Paragraph 24.

12. WCI Steel denies the allegations contained in Paragraphs 25 - 27.

13. In response to Paragraph 28, WCI Steel is without knowledge or information sufficient to admit or deny precisely when Ponds 5 and 6 and the 6a basin were installed or how they were used by prior owners of the Facility and, therefore, denies such allegations. WCI Steel admits that Ponds 5 and 6 and the 6a

basin exist and that Ponds 5 and 6 are part of the Facility's authorized and permitted wastewater treatment system. The remainder of this Paragraph does not contain allegations of fact but rather purport to be statements of law and, therefore, require no response.

14. WCI Steel denies the allegations contained in Paragraphs 29-30.

15. In response to Paragraph 31, WCI Steel admits that Pond 5 and 6 have been part of the Facility's authorized and permitted wastewater treatment system from November 8, 1988 to present. WCI Steel denies all other allegations contained in this paragraph.

16. The statements in Paragraph 32 are not allegations of fact but rather purport to be statements of law and, therefore, require no response except that the statutory and regulatory provisions speak for themselves.

17. In response to Paragraph 33, WCI Steel admits that it does not have a permit issued pursuant to Sections 3005 or 3006 of RCRA, 42 U.S.C. §§ 6925, 6926, to manage, treat or store hazardous wastes in Ponds 5 and 6 and the 6a basin, but denies that any such permit is required or that its lack of such a permit is a violation under these statutory provisions.

18. WCI Steel is without knowledge or information sufficient to admit or deny the allegations with respect to Republic Steel and prior facility owners contained in Paragraph 34 and, therefore, denies such allegations. WCI Steel denies all other allegations contained in this paragraph.

19. In response to Paragraph 35, WCI Steel admits that it submitted a RCRA Part B Permit Application in November, 1988 which was subsequently revised eight times through October, 1992. No response to the remaining allegations in Paragraph 35 is necessary since the referenced documents speak for themselves with respect to their contents.

20. In response to Paragraph 36, WCI Steel admits that on August 12, 1993 Ohio EPA issued the Facility an Ohio Hazardous Waste Installation and Operation Permit. WCI Steel admits that on November 11, 1993, U.S. EPA issued the Facility the federal portion of a RCRA hazardous waste permit. The remaining statements in Paragraph 36 are not allegations of fact but purport to be statements of law and, therefore, require no response except that the permits speak for themselves.

21. The statements in Paragraph 37 are not allegations of fact but rather purport to be statements of law and, therefore, require no response except that the permits speak for themselves.

22. The statements in Paragraph 38 are not allegations of fact but rather purport to be statements of law and, therefore, require no response except that the permit speaks for itself.

23. WCI Steel denies the allegations contained in Paragraph 39.

24. In response to Paragraph 40, WCI Steel admits that it does not have interim status under Section 3005 of RCRA, 42 U.S.C. § 6925, to manage, treat or

store hazardous wastes in Ponds 5 and 6 or the 6a basin. WCI Steel denies any violation under this statutory provision.

**PLAINTIFF'S FIRST CLAIM FOR RELIEF**  
**(Failure to Obtain Waste Management Permit for Ponds)**

25. WCI Steel incorporates by reference its responses to Paragraphs 1 through 40 of the Complaint as if fully set forth herein.

26. The statements in Paragraph 42 are not allegations of fact but rather purport to be statements of law and, therefore, require no response except that the statutory and regulatory provisions speak for themselves.

27. The statements in Paragraph 43 are not allegations of fact but rather purport to be statements of law and, therefore, require no response except that the permit speaks for itself.

28. WCI Steel denies the allegations contained in Paragraphs 44 - 48.

**PLAINTIFF'S SECOND CLAIM FOR RELIEF**  
**(Failure to Include Ponds in Part A Application)**

29. WCI Steel incorporates by reference its responses to Paragraphs 1 through 40 of the Complaint as if fully set forth herein.

30. The statements in Paragraph 50 are not allegations of fact but rather purport to be statements of law and, therefore, require no response except that the regulatory provisions speak for themselves.

31. WCI Steel denies the allegations contained in Paragraphs 51 - 54.

**PLAINTIFF'S THIRD CLAIM FOR RELIEF**  
**(Failure to Include Ponds in Part B Application)**

32. WCI Steel incorporates by reference its responses to Paragraphs 1 through 40 of the Complaint as if fully set forth herein.

33. The statements in Paragraph 56 are not allegations of fact but rather purport to be statements of law and, therefore, require no response except that the regulatory provisions speak for themselves.

34. WCI Steel denies the allegations contained in Paragraphs 57 – 60.

**PLAINTIFF'S FOURTH CLAIM FOR RELIEF**  
**(Failure to Meet the Minimum Technological Requirements)**

35. WCI Steel incorporates by reference its responses to Paragraphs 1 through 40 of the Complaint as if fully set forth herein.

36. The statements in Paragraph 62 are not allegations of fact but rather purport to be statements of law and, therefore, require no response except that the statutory and regulatory provisions speak for themselves.

37. WCI Steel denies the allegations contained in Paragraphs 63 - 67.

**PLAINTIFF'S FIFTH CLAIM FOR RELIEF**  
**(Failure to Have Closure Plan)**

38. WCI Steel incorporates by reference its responses to Paragraphs 1 through 40 of the Complaint as if fully set forth herein.

39. The statements in Paragraph 69 are not allegations of fact but rather purport to be statements of law and, therefore, require no response except that the regulatory provisions speak for themselves.

40. WCI Steel denies the allegations contained in Paragraphs 70 - 73.

**PLAINTIFF'S SIXTH CLAIM FOR RELIEF**  
**(Failure to Comply with Financial Assurance Provisions)**

41. WCI Steel incorporates by reference its responses to Paragraphs 1 through 40 of the Complaint as if fully set forth herein.

42. The statements in Paragraph 75 are not allegations of fact but rather purport to be statements of law and, therefore, require no response except that the regulatory provisions speak for themselves.

43. The statements in Paragraph 76 are not allegations of fact but rather purport to be statements of law and, therefore, require no response except that the regulatory provisions speak for themselves.

44. WCI Steel denies the allegations contained in Paragraphs 77 - 80.

**PLAINTIFF'S SEVENTH CLAIM FOR RELIEF**  
**(Failure to Implement a Ground-water Monitoring Program)**

45. WCI Steel incorporates by reference its responses to Paragraphs 1 through 40 of the Complaint as if fully set forth herein.

46. The statements in Paragraph 82 are not allegations of fact but rather purport to be statements of law and, therefore, require no response except that the regulatory provisions speak for themselves.

47. WCI Steel denies the allegations contained in Paragraphs 83 - 86.

**PLAINTIFF'S EIGHTH CLAIM FOR RELIEF**  
**(Land Disposal of Hazardous Waste)**

48. WCI Steel incorporates by reference its responses to Paragraphs 1 through 40 of the Complaint as if fully set forth herein.

49. WCI Steel denies the allegations contained in Paragraphs 88 – 91.

**PLAINTIFF'S RELIEF REQUESTED**

50. In response to Plaintiff's Relief Requested, WCI Steel denies that Plaintiff is entitled to any relief whatsoever.

51. WCI Steel denies any and all allegations, averments or claims in the Complaint not specifically admitted herein.

WCI Steel affirmatively alleges that:

**FIRST AFFIRMATIVE DEFENSE**

Some or all of Plaintiff's claims for relief fail to state a claim upon which relief may be granted and should therefore be dismissed.

**SECOND AFFIRMATIVE DEFENSE**

Some of Plaintiff's claims are barred by the applicable statutes of limitation.

**THIRD AFFIRMATIVE DEFENSE**

Some of Plaintiff's claims are barred pursuant to accord and satisfaction based upon agreements reached between Plaintiff and/or its agents and WCI Steel in satisfaction of certain claims for relief herein.

#### **FOURTH AFFIRMATIVE DEFENSE**

Some or all of the alleged violations were the result of startup, shutdown, malfunction and/or upset of the facility's process or pollution control equipment or are the result of lawful bypasses of the facility's pollution control equipment.

#### **FIFTH AFFIRMATIVE DEFENSE**

Some or all of the claims alleged in the Complaint are barred by the equitable doctrines of laches, acquiescence, waiver and/or estoppel.

#### **SIXTH AFFIRMATIVE DEFENSE**

WCI Steel reserves the right to make and does not waive additional defenses, including those which may become apparent from further investigation and discovery.

WHEREFORE, Defendant WCI Steel, Inc. requests that Plaintiff take nothing by its lawsuit, that injunctive relief be denied, that Defendant be awarded the costs of this lawsuit herein, and that the Court make such further orders as the Court deems proper.



Respectfully submitted,



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Lisa D. Sutton, Esq. (#0063792)  
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Attorneys for Defendant WCI Steel, Inc.

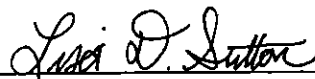
**CERTIFICATE OF SERVICE**

A copy of the foregoing WCI Steel, Inc.'s Answer to Complaint was served via regular U.S. mail this 6th day of July, 1998 upon the following:

Frank Bentkover, Esq.  
Trial Attorney  
Environmental Enforcement Section  
U.S. Department of Justice  
P.O. Box 7611  
Ben Franklin Station  
Washington, D.C. 20044

Arthur I. Harris, Esq.  
Assistant United States Attorney  
Northern District of Ohio  
1800 Bank One Center  
600 Superior Avenue, East  
Cleveland, Ohio 44114-2600

Deirdre Tanaka, Esq.  
Assistant Regional Counsel  
U.S. Environmental Protection Agency  
Region 5  
77 West Jackson Blvd.  
Chicago, Illinois 60604

  
\_\_\_\_\_  
One of the Attorneys for Defendant  
WCI Steel, Inc.



U. S. Department of Justice

United States Attorney  
Northern District of Ohio

---

1800 Bank One Center  
600 Superior Avenue, East  
Cleveland, Ohio 44114-2600

May 11, 1998

Van Carson, Esq.  
Squire, Sanders & Dempsey  
4900 Key Tower  
127 Public Square  
Cleveland, Ohio 44114-1304

Re: U.S. v. WCI Steel, Inc., Case No. 4:98CV1082  
N.D. Ohio, Judge Economus

Dear Mr. Carson:

Enclosed is a courtesy copy of the summons and complaint that were filed in U.S. District Court today. Please call Dick Beal at (202) 514-4051 or myself if you have any questions.

Sincerely,

Arthur I. Harris  
Assistant U.S. Attorney  
(216) 622-3711

cc: Dick Beal, DOJ  
Leslie Lehnert, DOJ  
Deirdre Tanaka, USEPA Region 5 ✓



FILED

98 MAY 11 PM 12:07

CLERK OF DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
CLEVELAND

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
WCI STEEL, INC., )  
 )  
Defendant. )  
\_\_\_\_\_ )

4:98CV 1082  
CIVIL ACTION NO.

JUDGE ECONOMUS

MAG. JUDGE THOMAS

COMPLAINT

The United States of America, by authority of the Attorney General of the United States and through the undersigned attorneys, acting at the request of the Administrator of the United States Environmental Protection Agency ("EPA"), files this complaint and alleges as follows:

NATURE OF ACTION

1. This is a civil action brought pursuant to Section 3008(a) and (g) of the Resource Conservation and Recovery Act

("RCRA"), 42 U.S.C. § 6928(a) and (g), for injunctive relief and civil penalties against Defendant WCI Steel, Inc. ("WCI"), for violations of RCRA, 42 U.S.C. § 6901 et seq., the Ohio Administrative Code ("O.A.C."), and WCI's hazardous waste management permit issued pursuant to RCRA and the O.A.C. The violations alleged herein occurred in the course of WCI's management of a hazardous waste in surface impoundments at its integrated steel manufacturing facility in Warren, Ohio.

#### JURISDICTION AND VENUE

2. This Court has jurisdiction over the subject matter of this action pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and pursuant to 28 U.S.C. §§ 1331, 1345, and 1355.

3. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and (c), 1395(a), and Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), because it is the judicial district in which WCI's Warren, Ohio, facility is located and in which the alleged violations occurred.

#### NOTICE

4. Notice of commencement of this action has been given to the Ohio Environmental Protection Agency ("OEPA") pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6828(a)(2).

## STATUTORY AND REGULATORY SCHEME

5. RCRA was enacted on October 21, 1976, and amended thereafter by, among other acts, the Hazardous and Solid Waste Amendments of 1984 ("HSWA"). Subtitle C of RCRA establishes a comprehensive federal regulatory program for the management of hazardous waste. 42 U.S.C. § 6921-6939. EPA has promulgated regulations pursuant to Subtitle C of RCRA that set forth standards and requirements that are applicable to generators and transporters of hazardous waste and owners and operators of facilities that treat store or dispose of hazardous waste.

6. Section 3005 of RCRA prohibits the operation of any facility that treats, stores, or disposes of hazardous wastes, except in accordance with a permit. 42 U.S.C. § 6925(a). Because EPA could not issue permits to all regulated entities by November 19, 1980, RCRA's effective date, RCRA provided that facilities meeting certain operational and permit application requirements could obtain a regulatory approval, known as "interim status," which allowed facilities to operate pending final administrative action on a permit application. 42 U.S.C. § 6925(e). In order to qualify for such interim status, a facility had to demonstrate that: 1) it was in existence on November 19, 1980; 2) had complied with Section 3010(a) of RCRA concerning notification of

hazardous waste activity; and 3) had made an application for a permit, Section 3005(e) of RCRA, 42 U.S.C. § 6925(e).

7. Section 3006 of RCRA, 42 U.S.C. § 6926, and 40 C.F.R. Part 271, provide that a state may obtain federal authorization to administer the RCRA hazardous waste management program in that state, provided the state requirements are consistent with and equivalent to the federal requirements in areas including identification and listing of hazardous wastes, requirements for generators and transporters of hazardous wastes, hazardous waste management facilities, requirements with respect to permits and permit applications, permitting, compliance programs, and enforcement authority and public participation in the permitting process.

8. During the period of July 15, 1983, through January 31, 1986, the State of Ohio administered Ohio's hazardous waste management program pursuant to interim authorization by EPA, except that EPA reserved authority to issue final RCRA permits. Ohio's interim status expired by operation of law, 43 U.S.C. 6926(c), as of January 31, 1986. From February 1, 1986, through June 30, 1989, EPA operated the federal hazardous waste program in Ohio. Ohio continued to perform inspections and other agreed upon tasks under a Cooperative Agreement between the State and



EPA. EPA granted final authorization to the State of Ohio on June 30, 1989, pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), to administer and enforce the State's hazardous waste program in the State of Ohio. The regulations comprising the applicable State hazardous waste management program, except corrective action activities, for the State of Ohio were incorporated by reference into federal law at 40 C.F.R. § 272.1801(a)(1). 54 Federal Register 27173, June 28, 1989; 57 Federal Register 4162, February 4, 1992. The statutes comprising the authorized State program are listed at 40 C.F.R. § 272.1801(a)(2)(i) and (ii). On December 23, 1996, the State of Ohio was delegated responsibility to implement the RCRA corrective action requirements. For all corrective action activities undertaken prior to that date, the requirements of 40 C.F.R. Part 264 were administered by EPA for facilities operating in the State of Ohio.

9. Pursuant to 40 C.F.R. Part 261, and O.A.C. § 3745-51, a waste is determined to be hazardous if it exhibits one of the characteristics of ignitability, corrosivity, reactivity, or toxicity. These wastes are commonly referred to as "characteristic hazardous wastes".

10. Pursuant to 40 C.F.R. § 261.22 and O.A.C. § 3745-51-22, corrosivity is defined, in relevant part, as a solid waste which is aqueous and has a pH of 2 or less.

11. Under Section 3005(j) of RCRA, 42 U.S.C. § 6925(j), all "interim status" surface impoundments in existence on November 8, 1984, were required to meet the minimum technological requirements of Section 3004(o), 42 U.S.C. § 6924(o), by November 8, 1988, unless granted an exemption by EPA or the State. The owner or operator of a non-exempt surface impoundment that failed to implement the minimum technology requirements of Section 3005(j) by November 8, 1988, was required to cease accepting hazardous waste for disposal in the unit, and to expeditiously close the unit in accordance with the applicable closure regulation found at 40 C.F.R. Part 264, Subpart G.

12. The owner or operator of a facility with interim status must also comply with 40 C.F.R. Part 265 or equivalent state regulations. These regulations establish standards governing the treatment, storage, or disposal of hazardous waste. 40 C.F.R. § 265.1(b) provides that hazardous waste management facilities that fail to take steps necessary to obtain interim status are nonetheless subject to the regulations of 40 C.F.R. Part 265.

13. Section 3010(a) of RCRA, 42 U.S.C. § 6926(a), requires any person who generates or transports hazardous waste, or owns or operates a facility for the treatment, storage, or disposal of hazardous waste, to notify EPA of such activity within 90 days of the promulgation of regulations under Section 3001 of RCRA.

Section 3010 of RCRA also provides that no hazardous waste subject to regulations may be transported, treated, stored, or disposed of unless the required notification is given.

14. RCRA, as amended by HSWA, also prohibits the land disposal of RCRA hazardous wastes unless treatment standards are met. RCRA Section 3004(d) through (k) and (m), 42 U.S.C. § 6924(d) through (k) and (m).

15. Section 3004(d) and (m) of RCRA, 42 U.S.C. § 6924(d) and (m), prohibit the land disposal of hazardous wastes specified in a published schedule except for methods of land disposal which the Administrator determines will be protective of human health and the environment for as long as the waste remains hazardous, or except for hazardous waste treated to a level that minimizes threats to human health and the environment.

16. "Land disposal" means placement in or on the land and includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility,

salt bed formation, underground mine or cave, or placement in a concrete vault or bunker intended for disposal purposes. 40

C.F.R. § 268.2(c) and O.A.C. § 3745-59-02.

17. Under Section 3004(g)(5) and (m) of RCRA, 42 U.S.C. § 6924(g)(5), the Administrator promulgated regulations implementing the land disposal restrictions of hazardous waste, codified at 40 C.F.R. Part 268. 40 C.F.R. § 268.32 and O.A.C. § 3745-59-32. The federal regulations effective July 8, 1987, provide that liquid wastes having a pH less than or equal to 2, are prohibited from land disposal. O.A.C. §§ 3745-59-32 and 3745-59-35(A), provides that all wastes specified as corrosive hazardous waste in O.A.C. § 3745-51-22, 40 C.F.R. §261.22(a), are prohibited from land disposal, unless the waste meets the applicable standards in Section 3745-59-40 through 43 of the O.A.C. (40 C.F.R. Part 268, Subpart D).

18. Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), provides that whenever, on the basis of any information, the EPA determines that any person has violated or is violating any requirement of RCRA, including violations in an authorized state, the United States may file a civil action in federal district court to obtain appropriate relief, including a temporary or permanent injunction. Section 3008(g) of RCRA, 42 U.S.C.

§ 6928(g), provides that any person who violates any requirement of RCRA shall be liable to the United States for a civil penalty in an amount not to exceed \$25,000 per day of noncompliance for each violation.

#### DEFENDANT AND ITS OPERATIONS

19. Defendant WCI is an Ohio corporation with its principal place of business in Warren, Ohio.

20. WCI owns and operates an integrated steel plant located at 1040 Pine Avenue, S.E., Warren, Ohio (the "Steel Plant"). This case concerns the operation of surface impoundments, designated Ponds "5", "6" and "6A", by WCI at the Facility.

21. WCI purchased the steel plant in September, 1988, from LTV Steel. The owner prior to LTV Steel was Republic Steel.

22. WCI is a "person" within the meaning of Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and O.A.C. § 3745-50-10(A) (86) and 40 C.F.R. § 260.10.

23. WCI's steel plant, including all buildings, structures and surfaces impoundments located there, is a "facility" within the meaning of 40 C.F.R. § 260.10 and the O.A.C. § 4745-50-10(A) (35).

24. One or more of the surface impoundments at the Facility, including Ponds 5, 6 and 6A, have contained wastewaters

which exhibited a pH of 2 or less during the time period relevant to this Complaint.

25. Wastewaters flowing into, contained in, or flowing out of Ponds 5, 6 and 6A have exhibited the characteristic of corrosivity and are a hazardous waste within the meaning of 40 C.F.R. § 261.20 and 261.22.

26. Ponds 5, 6 and 6A at the Facility are hazardous waste management units as defined by 40 C.F.R. § 260.10, and O.A.C. § 3747-50-10(A)(49) and are subject to regulation as hazardous waste management units subject to the provisions of RCRA and the O.A.C.

27. Ponds 5, 6 and 6A are unlined earthen impoundments which are not built to the specifications of Section 3004(o)(1) of RCRA, 42 U.S.C. § 6924(o)(1), 40 C.F.R. §§ 264.221, 265.221 or O.A.C. §§ 3745-56-21.

28. Ponds 5 and 6 have been in use at the Facility for a period prior to 1950, have remained in continuous use to the current date, and have not been closed. Pond 6A was added on or about 1986 and has been in continuous use to the current date and has not been closed.

29. At various times, wastewater from Pond 5, 6 or 6A was released from the impoundments into the surrounding environment.

Some of these releases occurred on or about: October 17, 1989, December 30, 1990, December 31, 1990, January 1, 1991, February 4, 1992, July 31, 1992, December 31, 1992, January 14, 1993, and April, 1994.

30. Ponds 5, 6 and 6A do not meet the technological standards established at 40 C.F.R. §§ 264.221 and 265.221, and O.A.C. §§ 3745-56-20 through 33.

31. Ponds 5, 6 and 6A, have continued to receive process wastewaters from November 8, 1988, up to and continuing to the date of filing.

32. WCI was required to obtain a permit, issued pursuant to the provisions of 42 U.S.C. § 6925, and the O.A.C. §§ 3745-40-40 through 3745-40-45, covering all units at the Facility that manage, treat or store hazardous waste or to expeditiously close those units in accordance with the applicable closure requirements.

33. WCI does not have a permit issued pursuant of Section 3005 or 3006 of RCRA, 42 U.S.C. §§ 6925, 6926, to manage treat or store hazardous wastes in Ponds 5, 6, and 6A.

34. On or about August 25, 1980, Republic Steel submitted a notification of hazardous waste activity for the Facility to EPA in accordance with Section 3010(a) of RCRA, 42 U.S.C. § 6930(a),

indicating that the Facility generates, transports, treats, stores or disposes of hazardous waste identified as K062, K087 and F016. On or about March 23, 1987, a revised notification was submitted to EPA indicating that the Facility generates, treats, stores or disposes of hazardous waste identified as K062, K087, and F001 and conducts used oil activities. WCI has never notified EPA regarding the management of hazardous waste identified as characteristic due to corrosivity in ponds 5, 6 and 6A.

35. WCI submitted a RCRA Part B Permit Application ("Part B application") for the Facility on November 7, 1988 which was subsequently revised eight times through October, 1992. The Part A and Part B of Permit Applications submitted for the Facility, including revisions and amendments by WCI, have not indicated to EPA or the State that the Facility is managing hazardous waste in Ponds 5, 6, and 6A.

36. On August 12, 1993, OEPA issued to WCI an Ohio Hazardous Waste Installation and Operation Permit. On November 11, 1993, EPA issued to WCI the Federal portion of a RCRA hazardous waste permit. At the time that both the Federal and State hazardous waste permits become effective, Defendant WCI had



an effective RCRA permit which authorizes it to conduct hazardous waste management activities only as specified in the RCRA permit.

37. Under its permits, whenever WCI becomes aware that it failed to submit any relevant fact, or submitted incorrect information in the permit application, it is required to promptly submit such facts or information.

38. WCI is prohibited by its Part B permit from storing hazardous waste that is not identified in that permit.

39. WCI has managed a hazardous waste not authorized by its permit in one or more of its Ponds 5, 6 and 6A.

40. WCI does not have interim status, under the provisions of Section 3005, 42 U.S.C. § 6925, to manage, treat or store corrosive wastes in Ponds 5, 6 and 6A at the Facility.

#### FIRST CLAIM FOR RELIEF

(Failure to Obtain Waste Management Permit for Ponds)

41. Paragraphs 1 through 40 are hereby incorporated by reference.

42. Pursuant to 3005 (a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e); Ohio Revised Code ("ORC") §§ 3734.02(F) and 3734.04 ; and O.A.C. § 3745-50-45, the owner and operator of a hazardous waste management unit is prohibited from operating a hazardous waste management unit except in accordance with a

permit issued pursuant to RCRA, unless the facility had interim status.

43. Pursuant to the State of Ohio Hazardous Waste Management Permit, dated August 12, 1993, WCI was prohibited from operating any hazardous waste management unit except in accordance with that permit.

44. From September, 1988, to the present the Defendant has operated hazardous waste management units at the Facility, including Ponds 5, 6 and 6A, without attaining interim status or obtaining a permit issued pursuant to RCRA authorizing such operation.

45. Ponds 5, 6 and 6A do not have interim status pursuant to Section 3005(e) of RCRA, 42 U.S.C. § 6925(e), because no timely notice was ever filed stating that the facility was treating, storing, or disposing of a hazardous waste in Ponds 5, 6 and 6A, and because no timely Part A application was filed pursuant to Section 3010 of RCRA, 42 U.S.C. § 6930, stating that the facility was treating, storing, or disposing of a hazardous waste in Ponds 5, 6 and 6A.

46. Defendant WCI's operation of Ponds 5, 6 and 6A without a permit and without interim status constitutes violations of

RCRA and the federally approved hazardous waste management program for the State of Ohio.

47. Pursuant to Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), WCI is liable for injunctive relief and civil penalties for each violation of RCRA and the federally approved hazardous waste management program for the State of Ohio. The civil penalties are not to exceed \$25,000 per day for each day of violation prior to January 30, 1997. Pursuant to Pub. L. 104-134, 61 Fed. Reg. 69360 and 62 Federal Register 13514, civil penalties are not to exceed \$27,500 per day for each violation of RCRA after January 30, 1997. Each day of such violation constitutes a separate violation.

48. Unless enjoined, defendant WCI's violations of RCRA will continue.

#### SECOND CLAIM FOR RELIEF

(Failure to Include Ponds in Part A Application)

49. Paragraphs 1 through 40 are hereby incorporated by reference.

50. Pursuant to 40 C.F.R. § 270.13 and O.A.C. § 3745-50-43, an owner or operator of a hazardous waste management unit is required to include in a Part A application all past, present and

future hazardous waste treatment, storage, and disposal areas.

O.A.C. § 3745-50-45 and 40 C.F.R. § 270.72, required the owner or operator of a hazardous waste facility with interim status to amend its Part A application prior to making certain specified changes in its treatment, storage, or disposal of hazardous wastes.

51. From September 1988, to the present, the Defendant has operated hazardous waste management units at its Facility, including Ponds 5, 6 and 6A, without including these hazardous waste management units in any Part A application and without amending any Part A application.

52. The acts or omissions referred to in the preceding paragraph constitute violations of RCRA and of the federally approved hazardous waste management program for the State of Ohio.

53. Pursuant to Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), WCI is liable for injunctive relief and civil penalties for each violation of RCRA, and the federally approved hazardous waste management program for the State of Ohio. The civil penalties are not to exceed \$25,000 per day for each day of violation of RCRA prior to January 30, 1997. Pursuant to Pub. L. 104-134, 61 Fed. Reg. 69360 and 62 Fed. Reg. 13514, civil

penalties are not to exceed \$27,500 per day for each violation of RCRA after January 31, 1997. Each day of such violation constitutes a separate violation.

54. Unless enjoined, defendant WCI's violations of RCRA will continue.

### THIRD CLAIM FOR RELIEF

(Failure to Include Ponds in Part B Application)

55. Paragraphs 1 through 40 are hereby incorporated by reference.

56. Pursuant to 40 C.F.R. § 270.14 and O.A.C. § 3745-50-44, the owner or operator of a hazardous waste management unit is required to include in a Part B application, among other things, chemical and physical analysis of the hazardous waste and hazardous debris to be handled at the facility, including all information which must be known to treat, store or dispose of the wastes properly.

57. From September 1988, to the present, WCI has operated hazardous waste management units at the Facility, including Ponds 5, 6 and 6A, without including these hazardous waste management units in any Part B application, and without amending any Part B application to include information pertaining to Ponds 5, 6 and 6A.

58. The acts or omissions referred to in the preceding paragraph constitute violations of RCRA and the federally approved hazardous waste management program for the State of Ohio.

59. Pursuant to Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), WCI is liable for injunctive relief and civil penalties for each violation of RCRA, and the federally approved hazardous waste management program for the State of Ohio. The civil penalties are not to exceed \$25,000 per day for each violation prior to January 30, 1997. Pursuant to Pub. L. 104-134, 61 Fed. Reg. 69360 and 62 Fed. Reg. 13524, the civil penalties are not to exceed \$27,500 per day for each violation of RCRA after January 31, 1997. Each day of such violation constitutes a separate violation.

60. Unless enjoined, defendant WCI's violations of RCRA will continue.

#### FOURTH CLAIM FOR RELIEF

(Failure to Meet the Minimum Technological Requirements)

61. Paragraphs 1 through 40 are hereby incorporated by reference.

62. Under Section 3005(j)(1) of RCRA, 42 U.S.C. § 6925(j)(1), the owner or operator of a surface impoundment in the State

of Ohio that treated, stored, or managed a hazardous waste was required to stop accepting any hazardous wastes in the impoundments by November 8, 1988, unless the impoundment met the minimum technological requirements of Section 3004(o)(1)(A) of RCRA, 42 U.S.C. § 6924(o)(1)(A), by November 8, 1988, and was required to close the nonconforming impoundments expeditiously after November 8, 1988, in accordance with the applicable closure regulation found at 40 C.F.R. § 264.228 and O.A.C. § 3745-56-28.

63. Ponds 5, 6 and 6A did not meet the minimum technological standards referred to in the preceding paragraph and were not exempt from closure.

64. During the period from November 8, 1988, until at least 1995, WCI continued to accept hazardous wastes at Ponds 5, 6 and 6A, and failed to close the impoundments as required by Section 3005(j) of RCRA, 42 U.S.C. § 6935(j), 40 C.F.R. § 264.228, and O.A.C. § 3745-56-28.

65. The acts or omissions referred to in the preceding paragraph constitute violations of RCRA and the federally approved hazardous waste management program for the State of Ohio.

66. Pursuant to Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), WCI is liable for injunctive relief and civil

penalties for each violation of RCRA, and the Federally approved hazardous waste management program for the State of Ohio. The civil penalties are not to exceed \$25,000 per day for each violation prior to January 30, 1997, and pursuant to Pub. L. 104-134, 61 Fed. Reg. 69360 and 62 Fed. Reg. 13524, the civil penalties are not to exceed \$27,500 per day for each violation of RCRA after January 31, 1997. Each day of such violation constitutes a separate violation.

67. Unless enjoined, defendant WCI's violations of RCRA will continue.

FIFTH CLAIM FOR RELIEF  
(Failure to have Closure Plan)

68. Paragraphs 1 through 40 are hereby incorporated by reference.

69. Under 40 C.F.R. § 264.112, and O.A.C. § 3745-55-12 the owner and operator of a hazardous waste management unit is required to have a written closure plan that identifies the steps necessary to perform partial or final closure of the facility at any point during its active life.

70. During the period from November 8, 1988, to the present, WCI did not have a written closure plan developed in



compliance with federal and state RCRA closure provisions that included closure of Ponds 5, 6 and 6A.

71. The acts or omissions referred to in the preceding paragraph constitute violations of RCRA and of the federally approved hazardous waste management program for the State of Ohio.

72. Pursuant to Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), WCI is liable for injunctive relief and civil penalties for each violation of RCRA, and the federally approved hazardous waste management program for the State of Ohio. The civil penalties are not to exceed \$25,000 per day for each violation prior to January 30, 1997. Pursuant to Pub. L. 104-134, 61 Fed. Reg. 69360 and 62 Fed. Reg. 13514, the civil penalties are not to exceed \$27,500 per day for each violation of RCRA after January 31, 1997. Each day of such violation constitutes a separate violation.

73. Unless enjoined, defendant WCI's violations of RCRA will continue.

#### SIXTH CLAIM FOR RELIEF

(Failure to Comply with Financial Assurance Provisions)

74. Paragraphs 1 through 40 are hereby incorporated by reference.

75. Under 40 C.F.R. §§ 264.140 through 264.151, and O.A.C. § 3745-55-42, the owner or operator of a hazardous waste management facility is required to have and maintain a detailed written estimate, in current dollars of the cost of closing hazardous waste management units in accordance with the applicable provisions of 40 C.F.R. Part 264 and O.A.C. §§ 3745-55-40 through 3745-55-51.

76. The owner or operator of a hazardous waste management unit is required to comply with the financial assurance provisions of 40 C.F. R. § 264.143 and O.A.C. § 3745-55-43.

77. During the period from November 8, 1988, to the present, the Defendant has failed to comply with the closure costs and financial assurance requirements of 40 C.F.R. Part 264 and O.A.C. § 3745-55-40 through 3745-55-51.

78. The acts or omissions referred to in the preceding paragraph constitute violations of RCRA and the federally approved hazardous waste management program for the State of Ohio.

79. Pursuant to Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), WCI is liable for injunctive relief and civil penalties for each violation of RCRA, and the Federally approved hazardous waste management program for the State of Ohio. The

civil penalties are not to exceed \$25,000 per day for each violation prior to January 30, 1997. Pursuant to Pub. L. 104-134, 61 Fed. Reg. 69360 and 62 Fed. Reg. 13514, the civil penalties are not to exceed \$27,500 per day for each violation of RCRA after January 31, 1997. Each day of such violation constitutes a separate violation.

80. Unless enjoined, defendant WCI's violations of RCRA will continue.

#### SEVENTH CLAIM FOR RELIEF

(Failure to Implement a Ground-water Monitoring Program)

81. Paragraphs 1 through 40 are hereby incorporated by reference.

82. The owner or operator of a surface impoundment is required to install, operate, and maintain a ground-water monitoring system which satisfies the criteria contained at 40 C.F.R. Part 264, Subpart F, and O.A.C. §§ 3745-54-90 through 3745-54-99 and 3745-55-01 through 3745-55-02.

83. During the period from November 8, 1988, to the present, WCI has failed to install, operate, and maintain a ground-water monitoring system which meets the requirements of 40 C.F.R. Part 264, Subpart F, and O.A.C. §§ 3745-54-90 through 3745-55-02.

84. The acts or omissions referred to in the preceding paragraph constitute violations of RCRA and the federally approved hazardous waste management program for the State of Ohio.

85. Pursuant to Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), WCI is liable for injunctive relief and civil penalties for each violation of RCRA, and the federally approved hazardous waste management program for the State of Ohio. The civil penalties are not to exceed \$25,000 per day for each violation prior to January 30, 1997. Pursuant to Pub. L. 104-134, 61 Fed. Reg. 69360 and 62 Fed. Reg. 13514, the civil penalties are not to exceed \$27,500 per day for each violation of RCRA after January 31, 1997. Each day of such violation constitutes a separate violation.

86. Unless enjoined, defendant WCI's violations of RCRA will continue.

EIGHTH CLAIM FOR RELIEF  
(Land Disposal of Hazardous Waste)

87. Paragraphs 1 through 40 are hereby incorporated by reference.

88. At various times from July 8, 1987, until at least 1995, Defendant has land disposed of hazardous waste with a pH of

less than or equal to 2.0, and exhibiting the characteristic of corrosivity, in or from Ponds 5, 6 or 6A, which did not meet the treatment standards specified at O.A.C. § 3745-59-40 through 3745-59-43, in violation of 40 C.F.R. §§ 268.32 and 268.35(a), and O.A.C. §§ 3745-59-32 and 3745-59-35(A).

89. The acts or omissions referred to in the preceding paragraph constitute violations of RCRA and the federally approved hazardous waste management program for the State of Ohio.

90. Pursuant to Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), WCI is liable for injunctive relief and civil penalties for each violation of RCRA, and the Federally approved hazardous waste management program for the State of Ohio. The civil penalties are not to exceed \$25,000 per day for each violation prior to January 30, 1997. Pursuant to Pub. L. 104-134, 61 Fed. Reg. 69360 and 62 Fed. Reg. 13524, the civil penalties are not to exceed \$27,500 per day for each violation of RCRA after January 31, 1997. Each day of such violation constitutes a separate violation.

91. Unless enjoined, defendant WCI's violations of RCRA will continue.

RELIEF REQUESTED

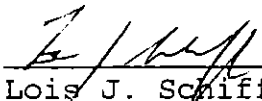
WHEREFORE, plaintiff, United States of America, respectfully requests that this Court:

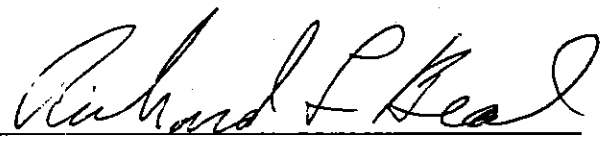
1. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), enjoin WCI from any and all ongoing violations of RCRA, by ordering the necessary injunctive relief, including but not limited to the closure under RCRA of Ponds 5, 6 and 6A, to obtain compliance with the Act, the Ohio Revised Code, the Ohio Administrative Code, and WCI's State of Ohio Hazardous Waste Management Permit, dated August 12, 1993, with respect to Ponds 5, 6 and 6A;

2. Assess civil penalties against the defendant not to exceed \$25,000 per day prior to January 30, 1997, and not to exceed \$27,500 per day on or after January 30, 1997, for each violation of RCRA, the Ohio Administrative Code and WCI's State hazardous waste management permit alleged above;

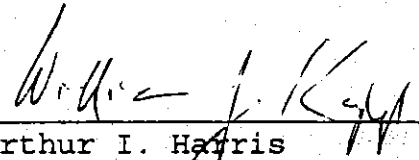
3. Award other such relief as this Court deems just and proper.

Respectfully submitted,

  
\_\_\_\_\_  
Lois J. Schiffer  
Assistant Attorney General  
Environment and Natural Resources  
Division  
U.S. Department of Justice

  
\_\_\_\_\_  
Richard L. Beal  
Trial Attorney  
Environmental Enforcement Section  
U.S. Department of Justice  
Ben Franklin Station, P.O. Box 7611  
Washington, D. C. 20044  
202 514-4051

Emily Sweeney  
United States Attorney for the  
Northern District of Ohio

  
\_\_\_\_\_  
for Arthur I. Harris  
Assistant United States Attorney  
Northern District of Ohio  
1800 Bank One Center  
600 Superior Avenue, East  
Cleveland, Ohio 44114-2600  
216-622-3711

OF COUNSEL:

Deirdre Tanaka  
Assistant Regional Counsel  
U.S. Environmental Protection  
Agency - Region 5  
77 W. Jackson Blvd.  
Chicago, IL 60604

Peter W. Moore  
Multimedia Enforcement  
Division (2248-A)  
U.S. EPA -- Headquarters  
401 M Street S.W.  
Washington, D.C. 20460



*Squire, Sanders & Dempsey*

L.L.P.

Telephone (216) 479-8500

Telex (216) 479-8780

*Counsellors at Law*

*4900 Key Tower*

*127 Public Square*

*Cleveland, Ohio 44114-1304*

*Direct Dial Number*

(216) 479-8663

December 16, 1996

**BY TELEFAX AND REGULAR MAIL**

Michael Ribordy (DRE-8J)  
U.S. Environmental Protection Agency  
Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Re: RCRA §3007 Information Request  
WCI Steel, Inc.  
- Warren, Ohio  
OHD 060 409 521

Dear Mr. Ribordy:

I am writing on behalf of WCI Steel, Inc. to request an extension of time for responding to the above-referenced information request, which was received by WCI Steel on November 15, 1996. I am also requesting clarification of part of the request. I have previously requested both the extension and clarification by telephone message to Deirdre Tanaka, Esq. of the Region 5 Office of Regional Counsel, who informed me in November that she represents the Agency in the matter of this information request.

**Request for Extension of Time**

WCI Steel has been working diligently since receiving the information request to prepare a response. This has included adding temporary help specifically to prepare the identification of documents requested on the first page of the information request. Please note that these documents have been kept segregated for U.S. EPA review at the Warren, Ohio facility since the response to the initial Information Request in May, 1994, and these documents remain available for U.S. EPA review at any time.

WCI Steel intends to respond to the numbered requests for information on pages two through four of the November 12, 1996 Information Request to the extent possible prior to 45 days from receipt of the Request, or December 30, 1996. However, based on the progress to date, which has been and will be impacted by the holidays in the 45 day period, WCI Steel anticipates that it will need an additional 14 days, or until January 13, 1997, to complete

*Bratislava . Brussels . Budapest . Columbus . Jacksonville . Kyiv . London . Miami  
Moscow . New York . Phoenix . Prague . Washington*

Michael Ribordy (DRE-8J)  
December 16, 1996  
Page 2

its response to these numbered requests. WCI Steel therefore requests an extension of time until January 13, 1997 to respond to the information requests on pages two through four of the Information Request.

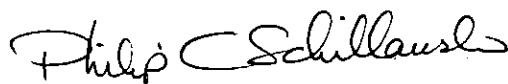
Based upon the extensive number of documents for which U.S. EPA requested detailed identification on the first page of the information request, and the progress to date even with temporary help, WCI Steel anticipates that it will require a 60 day extension, or until February 28, 1997, to complete this identification. However, during this time, the segregated documents will remain available for U.S. EPA's review during normal business hours at the Warren, Ohio facility. WCI Steel therefore requests an extension of time until February 28, 1997 to identify the documents requested on page one of the Information Request.

**Request for Clarification**

WCI Steel requires clarification of your information request number 3, on page two of the Information Request. The request refers to a release of spent pickle liquor on February 3, 1985, and implies that a Spill Incident Report for this release is in the Agency's possession. WCI Steel did not own or operate the Warren, Ohio facility on February 3, 1985, and the files in WCI Steel's possession from this time period of ownership and operation by LTV Steel are incomplete. WCI Steel has been unable to locate any information regarding the February 3, 1985 incident referenced in request number 3, and requests that U.S. EPA provide it with a copy of any Spill Incident Report or other documents referring or relating to this incident. Similarly, WCI Steel is unable to ascertain what document the Agency is referring to as the "July 1995, Facility Background Report" in information request number 3, and requests that U.S. EPA provide a copy of this document as well.

WCI Steel appreciates your attention to this request for extension and clarification. If you have any questions, please contact me at (216) 479-8663.

Sincerely,

  
Philip C. Schillawski

✓ cc. Deirdre Tanaka, Esq.

# WCI STEEL

October 11, 1995

Mr. Karl Hoerig  
Ohio EPA, NEDO  
2110 East Aurora Road  
Twinsburg, OH 44087

Dear Mr. Hoerig:

This is the written follow up to the oral report of an upset condition made by telephone on October 11, 1995.

On the weekend of October 1, 1995, WCI was forced to take the blast furnace down because of an ongoing labor contract dispute. The furnace recycle water system was drained down and contained successfully at that time.

On October 4, 1995, a heavy rainfall condition developed and lasted through October 6, 1995. This posed an emergency condition threatening to overflow the surge tank and clarifiers and cause an upset. I immediately contacted Mr. Larry Stadwick, the industrial pretreatment coordinator for the city of Warren and requested permission to discharge the surge tank only (because it had available chemistry data) into the Warren sanitary sewer system.

After he reviewed the surge tank's water analysis, he granted us permission to discharge it at a flow rate of 20 GPM. We started the discharge at the permitted flow rate at 11:20 AM on October 6, 1995 and shut it off at 11:45 on October 11, 1995. I contacted him again on October 9, 1995 to check for problems which might be associated with our discharge. There were none.

We feel this was the best environmental alternative for the disposal of the excess water. A copy of the surge tank's water analysis taken on October 2, 1995 is enclosed.

Sincerely,



Richard J. Gradishar  
Environmental Engineer  
Environmental Control

RJG/yt

Enclosure

WCI Steel, Incorporated  
1040 Pine Avenue, SE  
Warren, OH 44483-6528

WCIW 01644



**ENVIRONMENTAL  
CONTROL  
LABORATORIES INC.**

21337 Drake Road  
Strongsville, Ohio 44136  
(216) 238-6100  
FAX: (216) 238-6294

Mr. Dick Gradishaw  
WCI Steel Incorporated  
1040 Pine Avenue, SE  
Warren, OH 44483-6528

E. C. Lab #: 9510-02065  
Received Date: 10/02/95  
Report Date: 10/03/95

Subject: B.F. Overflow Analytical

Sample No: 2  
Client I.D. B.F. Surge Tank  
Sample Date: 10/02/95  
Matrix: Aqueous

Analyte	Method	Detection Limit	Results	Units	Analysis Date
Copper, Total	200.7	10	23	ug/L	10/03/95
Lead, Total	200.7	10	44	ug/L	10/03/95
Zinc, Total	200.7	10	590	ug/L	10/03/95
Thallium, Total	200.7	50	BDL	ug/L	10/03/95
Oil and Grease	413.1	2.0	5.2	mg/L	10/03/95
Phenolics, 4AAP	420.1	5.0	9.1	ug/L	10/03/95
Solids, TSS	160.2	4.0	41.6	mg/L	10/02/95
Cyanide, Total	335.2	0.01	9.4	mg/L	10/03/95
Nitrogen, Ammonia	350.1	0.05	52.3	mg/L	10/03/95
pH	150.1		9.2	S.U.	10/02/95

Note: BDL (Below Detection Limit)

Signed:

  
Robert S. Crookston  
Laboratory Director

WCIW 01645

# WCI STEEL

August 24, 1995

Mr. Karl Hoerig  
Ohio EPA  
Northeast District Office  
2110 East Aurora Road  
Twinsburg, Ohio 44087

Ohio EPA  
Emergency Response  
P.O. Box 1049  
Columbus, Ohio 43266

Mr. Mark Horwitz (HSC-91)  
U.S. EPA, Region V  
77 W. Jackson St.  
Chicago, Illinois 60604-3590

Trumbull County Emergency  
Response  
160 High St.  
Warren, Ohio 44481

Chief Ralph Jones  
Warren Township Fire Department  
4750 W. Market St.  
Leavittsburg, Ohio 44485

Chief George Brown  
Howland Fire Department  
169 Niles-Cortland Rd.  
Warren, Ohio 44484

WCI Steel, Inc. Discharge of  
Mud (Clay and Silt) from Outfall 007


---

Dear Sirs:

Twice on August 17, 1995, I reported discharges of an oil sheen from outfall 007. Examination of all our water cooled oil heat exchangers yielded no leaks or oil discharges. A manhole by manhole search of the Rolling and Finishing area yielded a malfunctioning anti-foulant pump which was discharging an increased amount of AS-8910 polymer to the river service water. The AS-8910 was removing the silt/clay from the piping and the polymer caused it to float, appearing as an oil sheen. The pump was repaired. The boom across the outfall is being maintained until all silt/clay ceases being discharged. Since the pump malfunction was an upset event, WCI Steel does not believe any violation occurred.

A copy of the MSDS for AS-8910 and a discharge report are attached. If you have any questions or need additional information, please call me at 216/841-8200.

Sincerely,

  
Thomas O. Shepker  
Manager  
Environmental Control

TOS:yt

Enclosures

cc: Murry Lantner  
WCI Steel, Incorporated  
1040 Pine Avenue, SE  
Warren, OH 44483-6528

**RECEIVED**

AUG 28 1995

COMPLIANCE SEC 17A

ud8-1795.1et

007788

1. DATE OF DISCHARGE : 08/17/95 TIME 1 : 10:10 AM 2:20 PM
2. SPILL REPORTED BY : T.O. SHEPHERD TIME 2 : 10:30 AM
3. MATERIAL SPILLED : RIVER CLAY & SILT FLOATING ON OUTFALL WATER SURFACE
4. LOCATION OF SPILL : OUTFALL 007
5. WATERWAY AFFECTED : MAHONING RIVER OUTFALL NO.: 007
6. DISCHARGE QUANTITY : APPROXIMATELY 1 GALLON. 4-5 GPH AT 2:20 PM
7. AGENCY NOTIFICATIONS

DEPA EMER RESPONSE DATE : 08/17/95  
 (800-282-9378) TIME : 1:30 PM & 3:40 PM  
 DEPA CONTACT : SHARON HENDRICKSON  
 DEPA ID NO. : 9508-78-3529

NAT. RESP. CENTER DATE : 08/17/95 WARREN TN FIRE DEPT.  
 (800-424-8802) TIME : 1:45 PM & 3:44 898-2041 @ 3:50 PM  
 NCR PERSON CONTACTED : MR. CARROLL  
 NCR ID NO. : 304284

DEPA REGIONAL OFFICE DATE : 08/17/95 (08/23/95 @ 11:35 AM)  
 (216-425-9171) TIME : 1:40 PM (K. HOERIG-CORRECTION)  
 DEPA PERSON CONTACTED : KARL HOERIG-VM & RON BELL @ 3:48 PM

TRUMBULL CO EMA/LEPC DATE : 08/17/95 HOWLAND FIRE DEPT.  
 (216-675-2666) TIME : 1:50 PM & 3:50 PM 856-3022 @ 3:48 PM  
 COUNTY PERSON CONTACTED : TINA BOWSER

8. EFFECTS ON HUMAN HEALTH OR ENV. : NONE

9. CAUSE OF INCIDENT : AS-8910 POLYMERIC  
 ANTI-FOULANT/DEFULANT USED TO PREVENT MUD AND SILT IN THE RIVER WATER  
 USED FOR COOLING IN THE COLD MILL AREA WAS ACCIDENTLY RELEASED IN MUCH  
 HIGHER CONCENTRATION THEN NORMAL WHEN A PUMP MALFUNCTIONED. THE INCREASED  
 CONCENTRATION OF AS-8910 CAUSED SILT AND CLAYS WHICH HAD BUILT UP IN THE  
 PIPING TO BE RELEASED AND THEY FLOATED ON THE WATER APPEARING AS A SHEEN.

10. CONTAINMENT/CLEANUP INITIATED : 11:00 AM 08/17/95

COMPLETED : CONTINUING TO REMOVE SMALL AMOUNT  
 BEHIND BOOM.

11. CORRECTIVE ACTION TAKEN : THE COLD ROLLING OPERATIONS WERE SHUT  
 DOWN AFTER THE OIL REAPPEARED AT 2:20 PM. AN OIL BOOM WAS PLACED AT THE  
 ENTRANCE OF OUTFALL 007 TO THE RIVER AT 11:00 AM. INVESTIGATIONS OVER THE  
 NEXT 4 DAYS YIELDED NO OIL LEAKS IN THE PIPING SYSTEM TO 007 OUTFALL.  
 A SAMPLE OF THE MATERIAL WAS CENTRIFUGED AND THE WATER WENT TO THE TOP  
 AND THE UNKNOWN MATERIAL WENT TO THE BOTTOM INDICATING IT WAS NOT AN OIL.  
 THE MATERIAL LOOKED LIKE THE CLAY USED TO SOAK UP OIL AND A SEARCH WAS  
 MADE DURING WHICH IT WAS DISCOVERED THAT THE FEED PUMP FOR THE ANTI-  
 FOULANT WAS MALFUNCTIONING. THE PUMP WAS REPAIRED AND WILL BE INSPECTED.

12. DATE LETTER SENT TO AGENCY : 08/24/95

13. DATE LETTER REC'D FROM AGENCY :  
 DATE INCIDENT CLOSED :  
 BY :

007789

**WCI STEEL**

August 14, 1995

Mr. Karl Hoerig  
Ohio EPA, NEDO  
2110 East Aurora Road  
Twinsburg, Ohio 44087

RECEIVED

AUG 18 1995


COMPLIANCE

Dear Mr. Hoerig:

The attached page is the summary of the unauthorized discharge which occurred at WCI on August 11, 1995. The gas supply to the blast furnace stoves was interrupted. The gas main was found to be full of water. To prevent damage to the blast furnace, two valves on the gas main were opened to allow the buildup of water to escape. Environmental was contacted and drove to the blast furnace to find out what was occurring. When it was found to be water from the blast furnace gas main being drained, vacuum trucks were called to pump and transport the water to the blast furnace recycle system.

If you have any questions, please call me at (216) 841-8200.

Sincerely,

  
Thomas O. Shepker  
Manager  
Environmental Control

TOS:yt

Attachment

cc: M. Lantner

1. DATE OF DISCHARGE : 08/11/95 TIME 1 : 2:00 PM
2. SPILL REPORTED BY : R.J.GRADISHAR TIME 2 : 4:30 PM
3. MATERIAL SPILLED : BLAST FURNACE RECYCLE SYSTEM WATER
4. LOCATION OF SPILL : BLAST FURNACE STOVES
5. WATERWAY AFFECTED : MAHONING RIVER OUTFALL NO.: 3ID00071013
6. DISCHARGE QUANTITY : 40 GPM FOR 6000 GALLONS
7. AGENCY NOTIFICATIONS
  - OEPA EMER RESPONSE DATE :  
(800-282-9378) TIME :  
OEPA CONTACT :  
OEPA ID NO. :
  - NAT. RESP. CENTER DATE :  
(800-424-8802) TIME :  
NCR PERSON CONTACTED :  
NCR ID NO. :
  - OEPA REGIONAL OFFICE DATE : 08/11/95  
(216-425-9171) TIME : 4:25 PM  
OEPA PERSON CONTACTED : KARL HOERIG - VOICEMAIL
  - TRUMBULL CO EMA/LEPC DATE :  
(216-675-2666) TIME :  
COUNTY PERSON CONTACTED :
8. EFFECTS ON HUMAN HEALTH OR ENV. : NONE
9. CAUSE OF INCIDENT : INSTALLATION OF NEW NOZZLES IN THE  
BLAST FURNACE GAS COOLER AND A MINOR BLOCKAGE IN THE RETURN DIRTY WATER  
LINE CAUSED WATER TO BACK UP IN THE GAS MAIN AND AND BLOCKED GAS TO THE  
STOVES. VALVES IN THE LINE HAD TO BE OPENED IMMEDIATELY TO PREVENT DAMAGE  
TO THE FURNACE. A PORTION OF THE WATER FLOWED TO A STORM WATER CATCH  
BASIN WHICH GOES TO RIVER THROUGH OUTFALL 013.
10. CONTAINMENT/CLEANUP INITIATED : 3:30 PM  
COMPLETED : 7:30 PM
11. CORRECTIVE ACTION TAKEN : VACUUM TRUCKS WERE CALLED OUT AT 3:30  
PM WHEN THE WATER WAS FOUND TO BE GOING TO A STORM WATER CATCH BASIN AND  
THE CATCH BASIN WAS BARICADED. THE VACUUM TRUCKS CONTINUED TO CLEAN UP  
UNTIL ALL ACCUMULATION OF WATER WAS REMOVED BETWEEN 7:00 AND 7:30 PM.  
A PUMP WAS ATTACHED TO A DRAIN VALVE SO THAT ANY FUTURE DISCHARGES CAN BE  
PUMPED TO THE RECYCLE WATER SYSTEM. THE LOCATION OF THE PARTIAL BLOCKAGE  
IS STILL UNDER INVESTIGATION.
12. DATE LETTER SENT TO AGENCY : 08/14/95
13. DATE LETTER REC'D FROM AGENCY :  
DATE INCIDENT CLOSED :  
BY :

007785



# WCI STEEL

April 28, 1995


Mr. Karl Hoerig  
Ohio EPA, NEDO  
2110 East Aurora Road  
Twinsburg, OH 44087

Dear Mr. Hoerig:

The attached page is the summary of the unauthorized discharge which occurred at WCI Steel, Inc. on April 26, 1995, which consisted of a sheen at outfall 010. The underflow baffle which is listed in item No. 11, will be replaced with a permanent installation to prevent future recurrence.

If you have any questions, please call me at (216) 841-8200.

Sincerely,



Thomas O. Shepker, Manager  
Environmental Control

TOS/lho

attachments

cc: Murray Lantner - USEPA

1. DATE OF DISCHARGE : 04/26/95      TIME 1 : 01:50 PM 04/26/95
2. SPILL REPORTED BY : T.O.SHEPHER      TIME 2 : 09:00 AM 04/27/95
3. MATERIAL SPILLED : USED OIL
4. LOCATION OF SPILL : PARKING AREA AT OLD BLOOMING MILL OFFICE BUILDING
5. WATERWAY AFFECTED : MAHONING RIVER      OUTFALL NO.: 010
6. DISCHARGE QUANTITY : 2 TO 3 GALLONS
7. AGENCY NOTIFICATIONS

DEPA EMER RESPONSE      DATE :      : MURRAY LANTNER & MARK CONTI  
(800-282-9378)      TIME :      : OF US EPA & SCOTT SHANE OF  
DEPA CONTACT :      : OHIO EPA WERE ON SITE AT 1:50  
DEPA ID NO. :      : PM & OBSERVED THE SHEEN.

NAT. RESP. CENTER      DATE :  
(800-424-8802)      TIME :  
NCR PERSON CONTACTED :  
NCR ID NO. :

DEPA REGIONAL OFFICE      DATE : 04/27/95  
(216-425-9171)      TIME : 8:45 AM  
DEPA PERSON CONTACTED : KARL HOERIG'S VOICE MAIL

TRUMBULL CO EMA/LEPC      DATE :  
(216-675-2666)      TIME :  
COUNTY PERSON CONTACTED :

007787

8. EFFECTS ON HUMAN HEALTH OR ENV. : NONE
9. CAUSE OF INCIDENT : WCI TRUCK #336 WAS PARKED ON THE INCLINE OUTSIDE THE OLD BLOOMING MILL OFFICE WITH A 20 GALLON USED OIL TANK MOUNTED IN THE BED ON APRIL 25, 1995. AT APPROXIMATELY NOON IT WAS DISCOVERED THAT THE USED OIL TANK WAS LEAKING AND BECAUSE THE TRUCK WAS PARKED ON AN INCLINE, OIL HAD DRIPPED OF THE TRUCK BED WAS RUNNING TOWARD A CATCH BASIN. HEAVY RAINS THAT EVENING AWASHED ANY RESIDUAL OIL TO 010.
10. CONTAINMENT/CLEANUP      INITIATED : SPILL - 12:00 PM 04/25/95  
   SHEEN - 03:00 PM 04/26/95  
   COMPLETED : SPILL - 01:00 PM 04/25/95  
   SHEEN - 09:00 AM 04/27/95
11. CORRECTIVE ACTION TAKEN : THE TRUCK WAS MOVED TO A LEVEL AREA IN ORDER TO KEEP ANY ADDITIONAL OIL WHICH LEAKED IN THE BED OF THE TRUCK. THE OIL ON THE ASPHALT WAS MOPPED UP AND SAND WAS SPREAD OVER THE OIL STAINED AREA. THE ROAD SWEEPER CLEANING THE AREA SWEEPED UP THE SAND AND PROBABLY SWEEPED SOME INTO THE CATCH BASIN. AT 1:50 PM ON 4/26/95 A SHEEN WAS DISCOVERED AT OUTFALL 010. A CONTRACTOR WAS NOTIFIED TO PLACE AN OIL BOOM ACROSS THE SMALL STREAM BETWEEN THE OUTFALL AND THE RIVER AND TO VACUUM ANY ACCUMULATION BEHIND THE BOOM. AT 9:00 AM ON 4/27/95 A TERTIARY UNDERFLOW BAFFLE WAS INSTALLED ABOVE 010 ELIMINATING THE SHEEN.
12. DATE LETTER SENT TO AGENCY : 04/28/95
13. DATE LETTER REC'D FROM AGENCY :

# WCI STEEL

March 28, 1995

RECEIVED

MAR 30 1995

COMPLIANCE SECTION

Mr. Karl Hoerig  
Ohio EPA, NEDO  
2110 East Aurora Road  
Twinsburg, Ohio 44087

Dear Mr. Hoerig:

The enclosed is the summary of the unauthorized discharge of Morgoil which occurred at WCI Steel between 12:00 PM on March 23, 1995, and 12:00 PM on March 24, 1995. The reason it took 24 hours to discover the source was because an over-the-road steel hauler truck had leaked oil into a catch basin and the maintenance people believed it to be the source and stopped looking for awhile.

If you need additional information, please call me at 216-841-8200 or Dick Gradishar at 216-841-8201.

Sincerely,



Thomas O. Shepker  
Manager  
Environmental Control

TOS:yt

Enclosure

cc: M. Lantner

1. DATE OF DISCHARGE : 03/23/95 TIME 1 : 12:00 PM 03/23/95
2. SPILL REPORTED BY : R.J.GRADISHAR TIME 2 : 12:00 PM 03/24/95
3. MATERIAL SPILLED : MORGOIL
4. LOCATION OF SPILL : HEAT EXCHANGER AT THE 52" TEMPER MILL
5. WATERWAY AFFECTED : MAHONING RIVER OUTFALL NO.: 007
6. DISCHARGE QUANTITY : 15 TO 20 GALLONS
7. AGENCY NOTIFICATIONS

DEPA EMER RESPONSE DATE :  
 (800-282-9378) TIME :  
 DEPA CONTACT :  
 DEPA ID NO. :

NAT. RESP. CENTER DATE :  
 (800-424-8802) TIME :  
 NCR PERSON CONTACTED :  
 NCR ID NO. :

DEPA REGIONAL OFFICE DATE : 03/24/95  
 (216-425-9171) TIME : 10:45 AM  
 DEPA PERSON CONTACTED : KARL HOERIG

TRUMBULL CO EMA/LEPC DATE :  
 (216-675-2666) TIME :  
 COUNTY PERSON CONTACTED :

8. EFFECTS ON HUMAN HEALTH OR ENV. : NONE
9. CAUSE OF INCIDENT : HEAT EXCHANGER TUBE FAILED ALLOWING MORGOIL TO LEAK INTO THE NONCONTACT COOLING WATER LINE.

10. CONTAINMENT/CLEANUP INITIATED : 12:45 ON 03/23/95  
 COMPLETED :

11. CORRECTIVE ACTION TAKEN : THE MAIN RIVER OIL BOOM WAS IMMEDIATELY DEPLOYED TO CAPTURE ANY ESCAPING OIL. SMALL ABSORBENT BOOMS WERE DEPLOYED AT OUTFALL 007 TO MAXIMIZE OIL CAPTURE. AN INVESTIGATION WAS BEGUN TO LOCATE THE SOURCE OF THE OIL LEAK. OIL WAS FOUND IN A MANHOLE FROM ONE OF THE STEEL HAULERS TRUCKS AND WE THOUGHT IT WAS THE SOURCE. WHEN OIL CONTINUED AFTER CLEANING THE MANHOLE ROLLING AND FINISHING MAINTENANCE FOUND A LEAKING HEATEXCHANGER TUBE. SHUT THE HEATEXCHANGER DOWN AND REPAIRED THE LEAK. KARL HOERIG OF DEPA CAME IN TO OBSERVE THE CLEANUP.

12. DATE LETTER SENT TO AGENCY : 03/28/95

13. DATE LETTER REC'D FROM AGENCY :  
 DATE INCIDENT CLOSED :  
 BY :

007783

# WCI STEEL

March 21, 1995

RECEIVED  
MAR 24 1995

Mr. Karl Hoerig  
Ohio EPA, NEDO  
2110 East Aurora Road  
Twinsburg, Ohio 44087

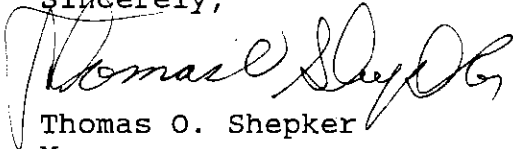
COMPLIANCE SECTION

Dear Mr. Hoerig:

The attached page is the summary of the unauthorized discharge which occurred at WCI on March 20, 1995, when a contact water line from the hot mill coiler to the scale pit ruptured and seeped into the hot mill storm water downcomer system which exits the plant via outfall 006.

If you have any questions, please call me at (216) 841-8200.

Sincerely,



Thomas O. Shepker  
Manager  
Environmental Control

TOS:yt

Attachment

cc: M. Lantner

007780

1. DATE OF DISCHARGE : 03/20/95 TIME 1 : 10:00 AM
2. SPILL REPORTED BY : T.O.SHEPKER TIME 2 : 2:15 PM
3. MATERIAL SPILLED : CONTACT WATER FROM THE HOT MILL
4. LOCATION OF SPILL : ALONG SIDE THE HOT MILL BUILDING. EAST SIDE .  
NORTH OF CENTER.
5. WATERWAY AFFECTED : MAHONING RIVER OUTFALL NO.: 006
6. DISCHARGE QUANTITY : 50 GPM
7. AGENCY NOTIFICATIONS
  - DEPA EMER RESPONSE DATE :  
(800-282-9378) TIME :
  - DEPA CONTACT :
  - DEPA ID NO. :
  - NAT. RESP. CENTER DATE :  
(800-424-8802) TIME :
  - NCR PERSON CONTACTED :
  - NCR ID NO. :
  - DEPA REGIONAL OFFICE DATE : 03/20/95  
(216-425-9171) TIME : 02:47 PM
  - DEPA PERSON CONTACTED : KARL HOERIG-VOICEMAIL(216) 963-1182
  - TRUMBULL CO EMA/LEPC DATE :  
(216-675-2666) TIME :
  - COUNTY PERSON CONTACTED :
8. EFFECTS ON HUMAN HEALTH OR ENV. : NONE
9. CAUSE OF INCIDENT : A WATER LINE ALONG THE EAST SIDE OF  
HOTMILL BUILDING WAS NOTICED TO BE LEAKING ON FRIDAY MARCH 17,1995. THE  
LINE WAS THOUGHT TO BE THE SERVICE WATER (RIVER WATER) LINE TO A FIRE  
HYDRANT NEARBY SO REPAIRS WERE SCHEDULED FOR MONDAY 03/20/95. ABOUT 10:00  
AM THE REPAIR PEOPLE FOUND THE LEAK TO BE FROM THE PROCESS WATER LINE  
FROM THE HOTMILL COILER TO THE SCALE PIT.
10. CONTAINMENT/CLEANUP INITIATED : 2:15 PM  
COMPLETED :
11. CORRECTIVE ACTION TAKEN : MAINTENENCE REQUESTED AN EXCAVATION  
PERMIT FORM ENGINEERING TO MAKE THE NECESSARY REPAIRS. WHEN THE FIELD  
ENGINEER WAS TOLD THE LOCATION AND WATER SOURCE HE LEFT A PHONE MAIL  
MESSAGE WITH ENVIRONMENTAL AT 12:15 PM. THE ENVIRONMENTAL ENGINEER, AFTER  
CHECKING HIS VOICE MAIL, PROCEEDED TO THE HOTMILL AND OBSERVED THE LEAK.  
AT ABOUT 2:00 HE INSPECTED OUTFALL 006 WHERE THE HOTMILL ROOF DOWNCOMERS  
DISCHARGE AND FOUND ABOUT A 50 GPM FLOW WITH A LIGHT OIL SHEEN. VACUUM  
TRUCKS WERE CALLED OUT AND THE FLOW WAS STOPPED AT ABOUT 2:15 PM. THE  
VACUUM TRUCKS WILL CONTINUE TO TRANSPORT UNTIL ALL REPAIRS ARE MADE.
12. DATE LETTER SENT TO AGENCY : 03/21/95
13. DATE LETTER REC'D FROM AGENCY :  
DATE INCIDENT CLOSED :  
BY :

007781

**WCI STEEL**

March 10, 1995

RECEIVED  
MAR 16 1995

Mr. Karl Hoerig  
Ohio EPA, NEDO  
2110 East Aurora Road  
Twinsburg, Ohio 44087

COMPLIANCE SECTION

Dear Mr. Hoerig:

The attached page is the summary of the unauthorized discharge which occurred at WCI on March 7, 1995. A coupling failed on the influent line to the central waste water treatment plant allowing about 100 GPM of untreated waste water to escape next to the aeration tank for about 20 minutes. Half of the water flowed into the blast furnace recycle system treatment plant via the flight conveyor pit. The remainder of water went into the storm water catch basin by the aeration tank.

If you have any questions, please call me at (216) 841-8200.

Sincerely,

*TOS*  
Thomas O. Shepker  
Manager  
Environmental Control

TOS:yt

Attachment

cc: M. Lantner

WCI Steel, Incorporated  
1040 Pine Avenue, SE  
Warren, OH 44483-6528  
(216) 841-8000

007778

1. DATE OF DISCHARGE : 03/07/95 TIME 1 : 10:00 PM
2. SPILL REPORTED BY : R.J.GRADISHAR TIME 2 : 10:20 PM
3. MATERIAL SPILLED : UNTREATED FINNISHING MILLS PROCESS WATER
4. LOCATION OF SPILL : CWWTP AIRATION TANK
5. WATERWAY AFFECTED : MAHONING RIVER OUTFALL NO.: 013
6. DISCHARGE QUANTITY : 2000 GALLONS. 1000 TO CATCH BASIN TO 3ID00071013 AND 1000 TO BLAST FURNACE RECYCLE SYS. FLIGHT CONVEYOR.
7. AGENCY NOTIFICATIONS

DEPA EMER RESPONSE DATE :  
(800-282-9378) TIME :  
DEPA CONTACT :  
DEPA ID NO. :

NAT. RESP. CENTER DATE :  
(800-424-8802) TIME :  
NCR PERSON CONTACTED :  
NCR ID NO. :

DEPA REGIONAL OFFICE DATE : 03/08/95  
(216-425-9171) TIME : 1:00 PM  
DEPA PERSON CONTACTED : KARL RIG

TRUMBULL CO EMA/LEPC DATE :  
(216-675-2666) TIME :  
COUNTY PERSON CONTACTED :

8. EFFECTS ON HUMAN HEALTH OR ENV. : NONE

9. CAUSE OF INCIDENT :

THE 8" TRANSFER PIPELINE FROM #6 POND TO THE CENTRAL WASTE WATER TREATMENT PLANT (CWWTP) AIRATION TANK SPRUNG A LEAK HALFWAY UP THE SIDE OF THE AIRATION TANK. THE LEAK OCCURRED WHEN A COUPLING RUPTURED.

10. CONTAINMENT/CLEANUP INITIATED : 10:20 PM 03/07/95  
COMPLETED : 02:00 AM 03/08/95

11. CORRECTIVE ACTION TAKEN :

THE SYSTEM WAS SHUTDOWN AS SOON AS THE LEAK WAS DISCOVERED AND THE LEAK WAS REPAIRED BEFORE BRINGING THE SYSTEM BACK ON AT 02:00 AM ON 03/08/95.

12. DATE LETTER SENT TO AGENCY

10/95

007779

13. DATE LETTER REC'D FROM AGENCY  
DATE INCIDENT CLOSED



FEB 23 1995

HRE-8J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. James Stack, President  
WCI Steel, Inc.  
1040 East Pine Avenue, S.E.  
Warren, Ohio 44483-6528

Re: RCRA §3007 Information Request  
WCI Steel, Inc.  
Warren, Ohio  
OHD 060 409 521

Dear Mr. Stack:

The United States Environmental Protection Agency (U.S. EPA) has completed a review of your May 4, 1994, response to U.S. EPA's April 1, 1994, Information Request pursuant to Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §6927, as amended, and Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. 9604(e) concerning hazardous or nonhazardous wastes disposed of in the pond system at WCI Steel, Inc.'s (WCI) facility located in Warren, Ohio. Your response requires further supplemental information. Therefore, pursuant to the authority of Sections 3007 of the RCRA, you are requested to provide additional information concerning the following questions. The supplemental responses should be responsive for the time period beginning in 1990, unless otherwise indicated, and continuing to the present. Terms defined in the April 1, 1994, Information Request shall have the same meaning herein.

1. In WCI's May 4, 1994, response to question VI.1, it states that the purpose of the pond system is to serve as "...an equalization basin for volume and chemistry for wastewater....." Define how the term "chemistry" is being used by WCI and explain what "chemistry" is equalized in the pond system.

Provide all supporting documents relevant to the above question(s).

2. U.S. EPA is seeking clarification of information WCI provided in the response to question VI.2.

Has any hazardous or solid wastes which exhibit the characteristics of corrosivity and/or reactivity, as those terms are defined in 40 CFR §261.22 and 40 CFR §261.23, respectively, been discharged either directly or indirectly and/or disposed of in the pond system? If yes, please provide the dates of discharge or disposal and the waste characteristic.

Explain the terms "minor" and "occasionally" as used in the last sentence of paragraph 1 of WCI's response to question VI.2.

Provide the procedure(s) used to make a hazardous waste determination for each solid waste stream disposed of in the pond system or otherwise discharged, either directly or indirectly in the pond system.

Provide the specific method or a detailed description of the method used to determine if solid waste discharged and/or disposed of in the pond system possessed the hazardous waste characteristic of corrosivity.

Provide all supporting documents relevant to the above question(s).

3. Provide a brief narrative that describes the solid wastes that are discharged either directly or indirectly, and/or disposed of in the pond system. This narrative shall describe the source(s), types, the physical nature and the chemical constituents present in each waste stream. In addition, please provide an updated schematic indicating where each waste stream enters the process sewer system before discharging into the pond systems.

Provide all supporting documents relevant to the above question(s).

4. In response to question VI.4, WCI provided a list of sources and types of materials disposed in the pond system. Does this list identify all the sources of wastes removed in the vacuum trucks? If not, please identify the source of all wastes placed in vacuum trucks. Briefly describe the wastes discharged via vacuum truck to the pond system. This narrative shall describe the source(s), types, the physical nature and the chemical constituents present in each waste stream.

Does WCI require routine hazardous waste determinations on these waste streams? If yes, provide all supporting waste stream determination documents for waste streams generated since 1990. If no, please explain why not.

Provide all supporting documents relevant to the above question(s).

5. Have any solid wastes with a pH of less than or equal to 2 been discharged directly or indirectly and/or disposed of in the pond system?

Provide all supporting documents relevant to the above question(s).

6. Since February 18, 1992, has WCI discharged directly or indirectly and/or disposed any listed hazardous wastes in the pond system? If yes, name the listed wastes?

Has WCI disposed hazardous waste exhibiting the toxicity characteristic in the pond system? If yes, name the characteristic hazardous wastes?

Provide all supporting documents relevant to the above question(s).

7. Please provide the following for the lime slurry injection system which operates upstream of the pond system: a) installation date; b) date the system began routinely operating; c) the design criteria.

Provide all supporting documents relevant to the above question(s).

8. Has spent pickle liquor been discharged either directly or indirectly and/or disposed of in the ponds? If yes, provide a brief discussion of each discharge into the pond system.

Has pickle liquor rinse water been discharged either directly or indirectly and/or disposed of in the ponds? If yes, provide a brief discussion of each discharge into the pond system.

Provide all supporting documents relevant to the above question(s).

9. Has any spent pickle liquor ever been discharged through any outfall without prior treatment? If yes, provide dates, discharge points, and circumstances explaining the discharge.

Provide all supporting documents relevant to the above question(s).

10. Briefly describe all sources of solid wastes that are treated in the Central Wastewater Treatment Plant. This narrative shall describe the source(s), types, the physical nature and the chemical constituents present in each waste stream.

Provide all supporting documents relevant to the above question(s).

11. Briefly describe the acid regeneration process. Describe all influent and effluent streams used in the acid regeneration process. This narrative shall describe the source(s), types, the physical nature and the chemical constituents present in each waste stream.

Provide all supporting documents relevant to the above question(s).

12. Since February 1992, has WCI removed any materials which have settled in the pond system? If yes, describe when, where, and how the removed materials were managed, treated or disposed at and from the facility.

Since February 1992, how has WCI managed, treated, stored, and/or disposed of oils, oily material, or oil/water mixtures recovered from the pond system?

Provide all supporting documents relevant to the above question(s).

13. Please refer to the April 1, 1994, Information Request and provide a narrative response for each of the following questions: VI.8; VI.9; VI.13; VI.14; VI.15; and VI.16.

Such information must be furnished to this office within forty-five (45) days of receipt of this letter, notwithstanding its possible characterization as confidential. In that regard you may, under 40 CFR §2.203(a), assert a business confidentiality claim covering all or part of the information provided in the manner described in 40 CFR §2.203(b). Information covered by such a claim will be disclosed by U.S. EPA only to the extent and by means of the procedures set forth in 40 CFR Part 2, Subpart B. Any request for confidentiality must be made when the information is submitted to U.S. EPA, since any information not so identified may be made available to the public without further notice to you.

The written statements provided pursuant to this Information Request must be notarized and submitted under an authorized signature certifying that all matters contained therein are true and accurate to the best of the signatory's

knowledge and belief. Any documents submitted to U.S. EPA pursuant to this information request should be certified as true and authentic to the best of the signatory's knowledge or belief.

Compliance with the Information Request set forth herein is mandatory. Failure to respond fully and truthfully to the Information Request within forty-five (45) days of the receipt of this letter or adequately justify such failure to respond can result in enforcement action by U.S. EPA pursuant to Section 3008 of RCRA. Please note that all questions must be completely answered. If WCI wishes to answer a question requiring an explanation, description and/or narrative by attaching a document, it may do so, provided that WCI's written response identifies the responsive document, attaches the document and the document is annotated with the corresponding question number. Answers to questions requiring an explanation, description and/or narrative answer will be considered non-responsive unless a complete explanation, description, narrative, and/or responsive documents are attached to your written response.

Should the signatory find, at any time after the submittal of requested information, that any portion of the submitted information is false, the signatory should so notify U.S. EPA. If any answer certified as true should be found to be untrue or misleading, such is subject to prosecution pursuant to 18 U.S.C. §1001 or §3008(d) of RCRA. U.S. EPA has the authority to use the information requested herein in an administrative, civil, or criminal action.

This Information Request is not subject to the approval requirements of the Paperwork Act of 1980, 44 U.S.C. Section 3501, et seq. If you have any questions regarding this matter, please contact Thad Slaughter, of my staff, at (312) 886-4460. Your response should be sent to the United States Environmental Protection Agency, Region 5, Attention: Thad Slaughter, RCRA Enforcement Branch (HRE-8J), 77 West Jackson Boulevard, Chicago, Illinois 60604.

Sincerely yours,

**ORIGINAL SIGNED BY**  
JOSEPH M. BOYLE

Joseph M. Boyle, Chief  
RCRA Enforcement Branch

cc: John Schierberl, OEPA-CO  
Kelly Smith, OEPA,-CO  
Thomas Shepker, Manager, WCI Steel, Inc.  
Philip C., Schillawski, Esq., Squire, Sanders & Dempsey

bcc: Deirdre Tananka, ORC, CM-29A  
Nicole Cantello, ORC, CM-29A  
Leslie Lehnert, DOJ  
Murray Lanter, WC-15J



BEFORE THE  
HAZARDOUS WASTE FACILITY BOARD  
STATE OF OHIO

FILED

12

OCT 24 AM 11:26

In the Matter of:

WCI Steel, Inc.  
Warren, Ohio

Case No. 94-M-0184

Applicant

STATE OF OHIO  
HAZARDOUS WASTE  
BOARD

*TRANSMITTAL OF THE REPORT AND RECOMMENDATION*

*NOTICE OF TIME WITHIN WHICH TO FILE OBJECTIONS*

*NOTICE OF BOARD MEETING*

Attached hereto is a copy of the Report and Recommendation in the above captioned matter. Pursuant to the authority vested in the Board under R.C. 119.09 and Ohio Adm. Code 3734-1-45, any party to this proceeding may file written objections within twenty (20) days of receipt of a copy of the Report and Recommendation.

Written objections shall be specifically stated and numbered separately. Where objections are taken to a Finding of Fact, a reference must be made to the page or part of the record relied upon to support the objection and a suggested Finding of Fact must be incorporated in the objection. The objections may include memoranda in support of the objection taken. (See Ohio Adm. Code 3734-1-45)

Written objection shall be filed with:

Hazardous Waste Facility Board  
Attn: Karen Story  
1700 WaterMark Drive  
P.O. Box 163669  
Columbus, Ohio 43216-3669

**RECEIVED**

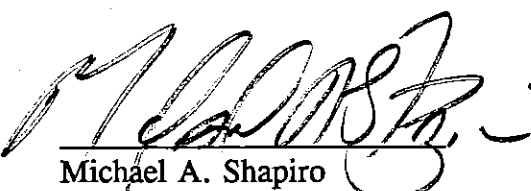
OCT 23 1994

**OFFICE OF RCRA**  
WASTE MANAGEMENT DIVISION  
EPA, REGION V

If objections are filed, an original plus three (3) copies are required.

Notification will be provided as to when the Board will meet to discuss this matter.

Should you have any questions please contact the Board at (800) 686-1591 or (614) 644-2742.

  
Michael A. Shapiro  
Chief Legal Counsel

10/24/94  
Date





BEFORE THE  
HAZARDOUS WASTE FACILITY BOARD

FILED

12

STATE OF OHIO

OCT 24 AM 11:24

In the Matter of:

:

STATE OF OHIO  
HAZARDOUS WASTE  
FACILITY BOARD

WCI Steel, Inc.  
Warren, Ohio

:

Case No. 94-M-0184

Applicant

:

*REPORT AND RECOMMENDATION  
OF THE  
HEARING EXAMINER*

REPORT

*I. FINDINGS OF FACT*

The hearing examiner (examiner) having considered his statutory duty under R.C. Chapters 119 and 3734, the procedural rules of the Board, as well as the record of this proceeding, recommends for Board approval and adoption the findings of fact set forth below:

*A. Jurisdiction and Procedure*

1. This matter came before the Board on application of WCI Steel, Inc., (WCI or Applicant) for a hazardous waste facility installation and operation permit modification (Ohio ID No. 02-78-0184) for Applicant's Warren, Ohio, facility. CD .00.<sup>1</sup>
2. The following documents (application) were transmitted to the Board by the Director of Environmental Protection (Director) on July 15, 1994:
  - a. Classification letter dated August 20, 1992;
  - b. Part A permit application, dated December 4, 1981, as modified by letter dated November 23, 1982;
  - c. Unredacted copy of the Ohio Attorney General's Investigative Report, dated November 16, 1992;

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<sup>1</sup>Documents filed with the Board are numbered by a decimal system beginning with .00. Citation to Board case documents filed and made part of the record are referenced by use of the abbreviation CD, followed by the assigned case document number, then the page number, if necessary. A copy of the case file index identifying documents filed in this proceeding is kept at the Board's offices and is available upon request.

- d. Redacted (public) copy of the Ohio Attorney General's Investigative Report, dated November 16, 1992;
- e. Disclosure statement, dated November 7, 1991; and
- f. A final draft submitted by the Attorney General's Office to EBR - Joint Stipulation and Settlement Agreement dated June 2, 1994.

*Id.*

- 3. The August 20, 1992 classification letter, in the form of a journalized, final action, appealable to the Ohio Environmental Board of Review, is determined by the Director that portions of the requested changes to Applicant's permit constitute a modification.  
*Id.* at 04.
- 4. The Director determined that the aspects of the permitted facility or its operations that are to be modified, and thus subject to review by the Board under R.C. 3734.05(D), are:
  - a. Change in ownership from Republic Steel Corporation, PO Box 6778, Cleveland, Ohio 44101 to WCI Steel, Inc., 1040 Pine Avenue S.E., Warren, Ohio 44483;
  - b. Change in name of facility from Republic Steel Mahoning Valley Warren, 1040 Pine Avenue, Warren, Ohio 44483 to WCI Steel, Inc., 1040 Pine Avenue S.E., Warren, Ohio 44483;
  - c. Change in operator information from Republic Steel Corporation, PO Box 6778, Cleveland, Ohio 44101 to WCI Steel, Inc., 1040 Pine Avenue S.E., Warren, Ohio 44483; and
  - d. Change in facility contact from Thomas Kachur, Manager, Environmental Control to Thomas Shepker, Manager, Environmental Control.

*Id.* at 04-05.

- 5. In accordance with R.C. 119.09, Michael A. Shapiro, a licensed attorney admitted to the practice of law in the State of Ohio, was assigned as the examiner to this proceeding.  
CD .01.

6. The statutory parties who actively participated in this proceeding, identified by counsel, are:

- a. Applicant: Karen Winters, Esq.
- b. Ohio EPA: Joan R. Kooistra, Esq.

CD .04; CD .05.

7. The Trumbull County Commissioners, through their counsel Thomas P. Gysegem, Esq., Assistant Prosecuting Attorney, and Howland Township Trustees are statutory parties to this proceeding, but did not actively participate. CD .01; CD .02.

*B. Applicant and Facility Description*

8. The RENCO Group, Inc. (RENCO), a holding company with decentralized management, is the ultimate parent of WCI through RENCO Ventures, Inc., an intermediate corporation. RENCO owns seventeen operating companies employing approximately 5,000 people. The organization's growth has been substantial in the last ten years. The conglomerate's volume increased from \$40,000,000 to almost \$1 billion, and total assets from \$20,000,000 to \$500,000,000. CD .00 at 39.
9. In April, 1988, RENCO created ASCAN Ohio Corporation specifically for the purchase of the Republic Steel Corporation, Mahoning Valley Warren Works, 1040 Pine Avenue, Warren, Ohio, Trumbull County, from LTV Steel, which purchased the facility in 1984. When the sale was completed in September of 1988, ASCAN's name was changed to Warren Consolidated Industries, Inc., and then to WCI Steel, Inc., in November, 1991. WCI took over the management of the acid regeneration plant on December 1, 1989. *Id.* 39-40.
10. Republic Steel Corporation made the original decision, based on economics, to build an acid regeneration facility for recycling of spent hydrochloric acid pickle solution (K062) generated at its Warren and Cleveland, Ohio steel mills. The plant was designed to handle 18,000,000 gallons of K062 per year. Pennsylvania Engineering Corporation and its subsidiary PEROX designed, built and operated the acid regeneration plants for LTV Steel from 1981 until November 30, 1989. The facility has regenerated approximately 11,771,416 gallons of hydrochloric acid between December 1, 1989 and October 12, 1990, of which approximately 947,401 gallons, or 8%, were from third party sources. During the period between December 1, 1989 to September 30, 1990, WCI had total sales of \$492,190,000 for regenerated acid, of which less than \$100,000 were sales from third party regenerated acid and acid generated iron oxide. *Id.* at 40.

11. WCI, a wholly owned subsidiary of the RENCO Group, Inc., has established the following wholly owned subsidiaries:

- a. Beaver Coke Company;
- b. METFAB;
- c. Niles Property, Inc.;
- d. Youngstown Sinter Company;
- e. WCI Captive Landfill.

*Id.* at 40-42<sup>2</sup>.

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<sup>2</sup>The Attorney General provided the following descriptions of the WCI subsidiaries:

Beaver Coke Company was set up to present a purchase proposal to the Judge presiding over the LTV bankruptcy, the USEPA Region III and the Pennsylvania Department of Environmental Resources (DER) for the Aliquippa Coke Batteries owned by LTV Steel. The proposal never materialized, and Beaver Coke Company never owned or operated the coke battery. It has been inactive since 1989.

Warren Culvert, Inc. was created to manage the former LTV Steel Drainage Products Division as a subsidiary of WCI. It was then decided to make it a division of WCI and it became Warren Consolidated Industries, Inc., METFAB. Warren Culvert, Inc. never became an active company. This division of WCI, METFAB, makes galvanized culvert products for the construction industry, some of which are coated with asphalt. It also makes the steel support plates which bolt together to support tunnel construction.

Niles Property Inc. was formerly a cold rolling and tin plating operation of Republic Steel/LTV Steel. The last of the production equipment was the Cold Rolling Mill, which was sold by LTV prior to the WCI purchase. WCI purchased the Niles property to use several buildings for its finished product storage. ... (P)ortions of this subsidiary are leased to other companies for storage or industrial activity.

Youngstown Sinter Company was the former United States Steel Corporation (hereinafter USS) Brier Hill Works sintering operation. When USS shut down this plant in the late 1970's, Republic Steel Corporation/LTV Steel purchased and ran it to consume revert materials, which were too fine for direct use in the blast furnace. WCI purchased this wholly owned subsidiary from LTV in 1989 and spent nearly \$10 million (over \$7 million for environmental projects) to bring it on-line in June of 1991. The sinter plant, renamed the Youngstown Sinter Company, was reactivated on June 13, 1991.

WCI Captive Landfill is a solid waste facility located ... [on site]. It receives in excess of 100,000 tons of air and water pollution control dust and sludges and steelmaking slag annually.

CD .00 at 40 - 42.

*C. Filing of Necessary Documents*

12. A preliminary conference was held on August 4, 1994. Attendees were:

<u>NAME</u>	<u>REPRESENTING</u>
Vin Puri	Ohio EPA
Stephen R. Feldmann, Esq.	Ohio EPA
Joan R. Kooistra, Esq.	Ohio EPA
Karen Winters, Esq.	Applicant

CD .07.

13. Pursuant to instructions from the examiner, the following necessary documents were filed:

- a. The application signed by Applicant. CD .08.
- b. The 1993 renewal permit to which the modification is to attach. CD .09.
- c. Applicant's short statement of anticipated environmental impact and map. *Id.*
- d. Update to the compliance history. *Id.*

14. The renewal permit authorizes the management of eleven tanks of 36,000 gallons each, and a 28,300 gallon pickling lines sump, for a total capacity of 424,000 gallons. The 11 above ground storage tanks are contained within a diked area which measures 38 feet by 104 feet with 4.5 to 5 feet concrete walls serving as containment. The total capacity of the containment dike is approximately 45,000 gallons. The pickling lines sump is contained within a sump which provides approximately 80,000 gallons containment capacity. CD .09.

15. The hazardous waste managed at the facility is listed as K062, spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry, and characterized as D006, cadmium. *Id.*; O.A.C. 3745-51-24, 3745-51-32.

*D. Public Hearing / Adjudication Hearing / Disputed Issues*

16. A public hearing on the application, pursuant to R.C. 3734.05, was held on Tuesday, October 11, 1994, at Turner Junior High School auditorium, 1443 Mahoning Avenue, Warren, OH 44483. In accordance with R. C. 3734.05(D)(3)(a), a representative of the applicant having knowledge of the location, construction, operation, and closure of the facility attended the public hearing. CD .10.
17. No comments in opposition to the application, either in oral or written form, have been received into the record of this proceeding. *Id.*
18. An adjudication hearing on this matter was conducted by telephone conference call on Friday, October 14, 1994, at 1:00 p.m., with the following counsel entering appearances upon the record:

<u>NAME</u>	<u>REPRESENTING</u>
Thomas Grever, Esq.	Ohio EPA
Karen Winters, Esq.	Applicant

CD .11.

19. The hearing was thereupon adjourned. *Id.*
20. There are no disputed issues between the parties to this proceeding.

*E. Disclosure Statement / Investigative Report*

21. Applicant's disclosure statement is dated November 7, 1991; personal history disclosure statements for key employees were received by the Attorney General on October 1, 1991. CD.00 at 83, 66.
22. The Attorney General, within one hundred eighty days after receipt of the disclosure statement from an applicant for a permit, shall prepare and transmit to the Director an investigative report on the applicant, based in part upon the disclosure statement, except that this deadline may be extended for a reasonable period of time, for good cause, by the Director or the Attorney General. R.C. 3734.42 (A)(3).
23. The investigative report of the Attorney General was received by the Director on October 29, 1992. CD .00 at 36.

24. The investigative report was prepared by the Attorney General, Environmental Background Investigations Unit of the Bureau of Criminal Identification and Investigation (EBIU), which verified all information presented in the disclosure statement submitted by Applicant and its key employees. Where necessary, EBIU independently investigated all relevant aspects of the disclosure statements which could affect the statutory criteria for disqualification. *Id.* at 36.
25. The Attorney General focused the background investigation on WCI and RENCO and its subsidiaries. *Id.* at 39.
26. The four people whom Applicant described as key employees<sup>3</sup> have, collectively, more than ninety years experience in the steel industry. The manager of the Environmental Control group and the supervisor of the acid regeneration facility in particular have had experience in pollution control activities within the context of steel manufacturing. Mr. Shepker, the Environmental Control Group Manager, has worked in his current position, which is devoted entirely to environmental compliance and pollution prevention, since 1988. Mr. Calderwood worked exclusively in the environmental departments of WCI, Inc. until 1989, thereafter as supervisor of the acid regeneration facility.  
  
Attorney General Statutory Criteria Discussion at 1. (See Recommended Conclusion of Law No. 12.)
27. Three of the key employees investigated by the Attorney General hold science degrees. The fourth man (Mr. Holzheimer) has an education degree and has completed in-house management training. *Id.*
28. Through the Attorney General's investigation, no exceptions were revealed to the key employees's management experience, employment history, educational background, or credit history. The disclosure information was confirmed through the various personnel departments, educational institutions and independent investigative sources. None of the key employees has ever been convicted of a crime. CD .00 at 42.
29. When the Attorney General reviewed the information Applicant disclosed about the individuals and the business concerns, it was largely accurate. Attorney General Statutory Criteria Discussion at 1.

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<sup>3</sup>Tom Shepker, Manager, Environmental Control; David J. Calderwood, Supervisor, Acid Regeneration Facility; George Holzheimer, Purchasing Manager; and Patrick T. Kenney, General Superintendent, Finishing Operations. CD .00 at 42-44.

30. The Attorney General reviewed Applicant's compliance record with respect to air, water and hazardous waste laws and regulations. Applicant was cited nine times in the late 1980's and 1990's for air pollution violations. The violations were: excess visible emissions, excess particulate emissions, and excess sulfur dioxide emissions. The Director did not take enforcement action.

*Id* at 2.

31. Applicant holds an NPDES permit. During the time Applicant has owned and controlled the facility, it was cited for the presence of oil at certain outfalls, failure to install flowmeters in compliance with its permit, failure to prevent discharge from an outfall not permitted to discharge and inappropriate location of an outfall pipe. The facility reported effluent violations on several occasions. Ohio EPA did not initiate enforcement action in response to any of the wastewater violations.

*Id.*

32. WCI, Inc. holds an NPDES permit for its METFAB division, which has not been cited for violations, nor enforcement actions initiated. METFAB has maintained compliance with its air permit.

*Id.* at 3.

33. The Attorney General reviewed Applicant's environmental compliance history with respect to the hazardous waste rules. The violations for which Applicant has been cited include: financial assurance and insurance coverage; failure to keep inspection logs and emergency lists updated; failure to complete personnel training; failure to provide appropriate containment for the contents of storage tanks; and failure to mark containers properly. In each case, the violation has been corrected, with no escalated enforcement action undertaken by the Ohio EPA. *Id.* at 2; Attorney General Investigative Report, Investigative Summary (Investigative Summary).

34. The Attorney General reports that:

The failure to provide adequate containment and the improper marking probably created the most immediate environmental risks. While the failure to provide adequate liability coverage and failure to provide for closure cost assurance are troubling, there is no evidence that any harm resulted from the facility's late compliance with the requirements of the rules. The personnel training violations and the failure to reflect new information and requirements in inspection logs are relatively minor violations which probably did not greatly endanger the environment during the time they occurred.

Attorney General Statutory Criteria Discussion at 2-3.



WCI Steel, Inc.  
Case No. 94-M-0184  
Report and Recommendation

35. WCI subsidiary compliance, as reported by the Attorney General in his Investigative Summary, is set forth below:

- a. Beaver Coke Company - No environmental permits applied for or received.
- b. METFAB:
  - i. Permit No. OH 006891 authorizes the discharge of non-contact cooling water, storm water and ground water. No violations or enforcement actions have been initiated.
  - ii. Air Permit No. 1576000865, issued by the Air Pollution Control Agency, Canton, Ohio, authorizes (on registration status) an asphalt coating dip tank and a fugitive source (F001) for the roadways and parking lots. No violations reported.
- c. Niles Property, Inc - NPDES Permit No. OH0011266 for storm water and ground water. No violations were reported.
- d. Youngstown Sinter Company:
  - i. Particulate emission testing conducted on August 22, 1991 and October 18, 1991 revealed violations of OAC Rule 3745-17-11, the Ohio fugitive dust regulation. Extensive repair of the dust collector has been ongoing since the first violation. Additional inspection and repair of the dust collector were ordered after the second test failure. A third test was completed in 1991; the source was in compliance.
  - ii. Additional violations at the Youngstown Sinter Company relate to the capture and/or control of fugitive dust from material handling, aggregate storage, and sinter load-out stations.
  - iii. No enforcement action has been initiated on the basis of Youngstown Sinter's violations.

- e. **WCI Captive Landfill** - Although Applicant took over the operations of the captive landfill in 1988 when it purchased the facility from LTV, Ohio EPA did not begin inspections until January, 1991. The Trumbull County Health Department does not conduct inspections at the facility. The following information was provided:
- i. January 31, 1991: The facility was approximately 25 feet over the height shown in the operating report filed in July 1978; inadequate daily and intermediate cover; and although the facility had applied for a license, it had not received such license.
  - ii. May 13, 1991: The facility was approximately 25 feet over the height shown in the operating report filed in July of 1978; the facility was not utilizing an acceptable daily and intermediate cover; and abandoned drums were noted on the southeast corner at the base of the landfill. The OEPA found the barrels to be empty and they were removed.
  - iii. June 3, 1991: The OEPA found [that] the ... facility had not operated in compliance with approved detailed plans ..., [in that] the facility was approximately 25 feet over the height shown in the operating report filed July 5, 1978 ... and ... was not utilizing an acceptable daily or intermediate cover.
  - iv. April 2, 1992: The OEPA inspection noted a violation of daily and intermediate cover.
  - v. June 10, 1992: The OEPA noted a violation of daily and intermediate cover.
  - vi. August 6, 1992: The OEPA noted the following violations: lack of daily and intermediate cover and erosion.

No escalated enforcement activity was indicated.

Investigative Summary at 2-4, 11.

36. Beginning in April, 1984, LTV Steel began recycling coal tar decanter sludge back to the coke ovens by mixing the sludge with coal on the active portion of the coal pile, and charging the mixture into the coke ovens. On February 28, 1986, Ohio EPA advised LTV Steel that this activity constituted "storage" in a vicinity for which LTV had no hazardous waste permit. Findings and Orders, issued on September 2, 1988, ordered the submittal of a closure plan for the waste pile storage area to both the Ohio EPA and USEPA. LTV appealed the Findings and Orders on October 8, 1986 and the matter is still pending. LTV Steel stopped the recycling activity and began to send all tar decanter sludge to LTV Steel's Pittsburgh site. When Applicant took over the operation in 1988, three piles of coal tar decanter sludge still existed at the site. Together, Applicant and LTV have removed the piles and are sampling the area.

Investigative Summary at 7.

*F. Update of Compliance History*

37. Applicant on September 2, 1994 filed an update of its compliance history indicating that:
- a. All described violations from inspections have been returned to compliance.
  - b. The inspections of December 3, 1992 and November and December, 1993 (financial record review) evidenced substantial compliance and compliance, respectively.

CD .09

38. The above filing contained a December 22, 1993 letter to Applicant from Ohio EPA stating that:

To demonstrate compliance with the financial assurance requirements for closure, WCI Steel, Inc. uses Letter of Credit No. 513027P issued on November 12, 1993 by CoreStates Philadelphia National Bank currently in the amount of \$550,000. A standby Trust Agreement entered into as of December 10, 1993 between WCI Steel, Inc. and Society National Bank accompanies the Letter of Credit. This Letter of Credit replaced Letter of Credit No. 512053P issued on January 29, 1993 in the amount of \$325,000. The previously referenced Letter of Credit No. 512053P replaced Letter of Credit No. 510307P issued on August 31, 1991 in the amount of \$300,000. Both Letters of Credit remain outstanding.

To demonstrate liability coverage for sudden accidental occurrences WCI Steel, Inc. uses a financial test as specified in OAC rule 3745-66-47(F). The most recent financial test documentation for WCI Steel, Inc. dated January 22, 1993 for the fiscal year ending October 31, 1992, was received October 13, 1993 by letter from Margaret Stollar.

Upon review of the financial assurance and liability coverage documentation, no violations were found. Therefore, the WCI Steel, Inc. facility is in compliance with OAC rules 3745-66-42, 3745-66-43 and 3745-66-47 at this time.

*Id.*

39. The review of the compliance history does not show any pattern to the violations or any repeated violations that would indicate an underlying problem.

#### *G. Permits Terms and Conditions*

40. The application transmittal did not included draft permit terms and conditions and no party to this proceeding has filed proposed terms and conditions. CD .00.

## *II. CONCLUSIONS OF LAW*

The examiner, having considered his statutory duty under R.C. Chapters 119 and 3734, the procedural rules of the Board, as well as the record of this proceeding, recommends the Board approve and adopt the conclusions of law, with discussions, set forth below:

### *A. Jurisdiction*

1. The Board shall approve or disapprove an application for a modification of a hazardous waste facility installation and operation permit in accordance with R.C. 3734.05(D). R.C. 3734.05(I)(4)(a).
2. R.C. 3734.05(I)(4)(a) clearly specifies that any aspect of a facility being operated under an existing permit which is not being modified is not subject to review by the Hazardous Waste Facility Board. *CECOS v. Shank* (1991) 74 Ohio App. 3d 43; 598 N.E.2d 40.
3. For the Board to act on an application to modify a permit, the Board must first find that Applicant possesses a valid permit and that the aspects of the permitted facility or its operations that are subject to Board review have been appropriately identified. *In the Matter of Aristech Chemical Corporation*, Report and Recommendation of the Hearing Examiner, Case No. 93-M-0251, CD .51, (*Aristech*), at 8.

*Discussion: See In the Matter of Battelle Memorial Institute, Case No. 92-M-0572 (Battelle), Panel Discussion of Preliminary Issues, CD .27 at 10:*

... (B)efore the Board can act on an application or part of an application, it must have jurisdiction .... The Board cannot imply jurisdiction from a contextual interpretation of an application or draft permit. *The Board has jurisdiction only over that which is expressly classified by the Director as requiring Board action.* (Emphasis added.)

*See also Battelle, Ruling on Suspension of Proceedings, Entry Scheduling Status Conferences, Continuances, CD .67 at 1:*

Panel still views *the existence of a permit* as a logical component of a permit modification proceeding .... (Emphasis added.)

4. The determination of modification by the Director and the manner in which it was perfected, provided the definitive aspect of the permitted facility or its operations that is to be modified and subject to review by the Board pursuant to R.C. 3734.05(D).
5. As Applicant is in possession of a valid permit, together with Conclusion of Law No.4, the application of WCI Steel, Inc., Ohio Hazardous Waste Facility Installation and Operation Permit No. 02-78-0184, for its Warren, Ohio facility, is properly before the Board and within Board jurisdiction.

#### *B. Public Hearing*

6. The R.C. 3734.05(D)(1)(3)(a) public hearing is an explicit, administrative function of the Hazardous Waste Facility Board, with no direct or legal relationship to the adjudication hearing and the hearing examiner simply has no jurisdiction to interpret, limit or modify the scope of the public hearing except as to issues raised by the parties in the adjudication of a particular case. *In the Matter Waste Technologies Industries (WTI), Ruling on Motion to Strike, Case No. 93-[J]-0589, CD .63.*

#### *C. Issues in Dispute / Adjudication Hearing*

7. The Board shall hear and decide all disputed issues between the parties respecting the approval or disapproval of the application. R.C. 3734.05(D)(3)(c).
8. The Board shall conduct any adjudication hearing upon disputed issues in accordance with Chapter 119 of the Revised Code and the rules of the Board governing the procedure of such hearing. R.C. 3734.05(D)(5).

9. In any adjudication hearing required by R.C. 119.01 to 119.13, an agency may appoint an examiner to conduct the hearing, who shall submit to the agency a written report setting forth his findings of fact and conclusions of law and a recommendation of the action to be taken by the agency. R. C. 119.09.
10. When there are no disputed issues between the parties, there is no longer any case or controversy to be adjudicated or decided. In such a situation an examiner shall fulfill his/her statutory and regulatory duties by filing a report declaring that there are no issues in dispute and by making a recommendation for further action based thereon. *In the Matter of Ashland Chemical Company, Division of Ashland Oil, Inc.*, Report and Recommendation of the Hearing Examiner, Case No. 93-NF-0631, CD. 71 at 8; *Aristech* at 9.

*D. Disclosure Statement / Investigative Report*

11. A review of an application by the Board of an off-site facility shall include a review of the disclosure statement and investigative report. R.C. 3734.41; R.C. 3734.42 (A)(4).
12. Documents contained in the record of proceeding to which confidential status has not been provided by the Board, such as the Unredacted Copy of the Investigative Report of the Attorney General, are public record and appropriate to be the foundation for findings of fact. See *WTI*, CD .46, attached letter:

The ... [Unredacted Copy of the Investigative Report of the Attorney General] is in the possession of the Board, as it was included in the Director's transmittal of the WTI permit application. For the reasons discussed below, I view the document as a public record ....

The document is included in the term "public record," as it is a "document...received by or coming under the jurisdiction of any public office of the state ... which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office." R.C. 149.011. Further, it is my opinion that the release of said document is *NOT* precluded by the provision of R.C. 149.43<sup>4</sup> nor R.C. 3734.43<sup>5</sup>.

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<sup>4</sup>Said document should not be considered as a trial preparation nor confidential law enforcement record, as any such record would have lost statutory protection when the document was transmitted.

<sup>5</sup>The prohibition against release would appear to attach only to the Attorney General and representatives of that office.

*See also WTI, CD .49, Response from the Ohio EPA, through its counsel the Attorney General: "... the Staff will not object to the anticipated release ... [of the Unredacted Copy of the Investigative Report of the Attorney General]."*

### *E. Relevant Criteria*

13. Where a permit modification consists only of a change of ownership, the applicable R.C. 3734.05(D)(6) criteria are R.C. 3734.05(D)(6)(b), which portions relate to change of ownership and financial requirements; R.C. 3734.05(D)(6)(e), which portions relate to change of ownership; and R.C. 3734.05(D)(6)(f)<sup>6</sup>. *In the Matter of Occidental Chemical Corporation*, Report and Recommendation of the Adjudication Panel, Case No. 91-M-0078 (*Occidental*), CD .36 at 39, adopted and approved by the Board's *Opinion and Final Orders*, journalized on June 29, 1993.

#### *E.1 Director's Performance Standards*

14. The Board in the past has and will continue to give deference to the Ohio EPA in the interpretation of, and determination of compliance with, the hazardous waste rules; rules which are proposed, adopted, supervised and enforced by the agency. Absent a dispute

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<sup>6</sup>The board shall not approve an application for a hazardous waste facility installation and operation permit unless it finds and determines as follows ...

- (b) That the facility complies with the director's hazardous waste standards adopted pursuant to section 3734.12 of the Revised Code.

\* \* \*

- (e) That the facility will comply with Chapters 3704., 3734., and 6111. of the Revised Code and all rules and standards adopted under those chapters.

\* \* \*

- (f) That if the owner of the facility, the operator of the facility, or any other person in a position with the facility from which he may influence the installation and operation of the facility has been involved in any prior activity involving transportation, treatment, storage, or disposal of hazardous waste, that person has a history of compliance with Chapters 3704., 3734., and 6111. of the Revised Code and all rules and standards adopted under those chapters, the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, and all regulations adopted under it, and similar laws and rules of other states if any such prior operation was located in another state that demonstrates sufficient reliability, expertise, and competency to operate a hazardous waste facility under the applicable provisions of Chapters 3704., 3734., and 6111. of the Revised Code, the applicable rules and standards adopted under those chapters, and terms and conditions of a hazardous waste facility installation and operation permit, given the potential for harm to the public health and safety and the environment that could result from the irresponsible operation of the facility.

among the parties or issue raised by the Board, an agency determination of an applicant's compliance or ability to comply with a rule will suffice and be the foundation for the necessary finding of fact and conclusion of law that the facility "complies with the director's hazardous waste standards ...." R.C. 3734.05(D)(6)(b). (*See also Occidental* at 22-23 ); *In the Matter of Monsanto Company*, Opinion and Final Orders, Case No. 91-M-0604 (*Monsanto*), CD .85 at 10.

15. The facility will comply with the applicable Director's performance standards. R.C.3734.05(D)(6)(b).

*E.2 Compliance with Ohio Environmental Chapters and Rules*

16. Enforcement jurisdiction of R.C. Chapters 3704., 3734., and 6111. and all rules and standards adopted under those chapters is within the Ohio EPA. R.C. 3704.03; 3704.06; 3734.05; 3734.10; 3734.13; 6111.03.
17. Applicant's environmental permits were issued following public comment and an opportunity for public participation and were appealable. In such sense, an examination of the permit issuing agency's actions by the Board would be an impermissible collateral attack on said permitting actions. *In the Matter of Waste Technologies*, Written Order and Final Opinion, Case No. 82-NF-0589, at 57.
18. The fact that environmental permits have been issued for a facility, though, does not relieve the Board of its obligation to examine the environmental impacts of emissions or releases in connection with the findings and determinations it must make under R.C. 3734.05(D)(6), including the determination that the facility complies with R.C. Chapters 3704., 3734., and 6111. and all rules and standards adopted under those chapters. *Id.*
19. The Board in the past has and may continue to give deference to the various primary permit issuance and enforcement agencies with respect to compliance with the Chapters and rules upon which such agencies have permitting and enforcement (compliance determination) authority. Absent a dispute among the parties or issue raised by the Board, an agency determination of an applicant's compliance or ability to comply with such chapters and rules may suffice and be the foundation for the necessary finding of fact and conclusion of law that the facility "will comply with Chapters 3704., 3734., and 6111. of the Revised Code and all rules and standards adopted under those chapters."

*Discussion:* See Discussion after Conclusion of Law No. 23.

20. The facility will comply with the applicable provisions of R.C. Chapters 3704, 3734, and 6111 and all applicable rules and standards adopted under these Chapters. R.C. 3734.05(D)(6)(e).



### *E.3 History of Compliance*

21. It is established precedent that the compliance history statute must not be interpreted as requiring violation free facility operation or intending to automatically disqualify every applicant who has paid a penalty or been subject to an enforcement order. (*See In the Matter of Erieway, Inc.*, Case No. 87-MR-0387, Report and Recommendation of the Adjudication Panel, filed October 31, 1988, at 3.) Rather, what the statute contemplates is evidence of acts of compliance (a history of dealing responsibly with environmental problems) which, when compared against acts of noncompliance, demonstrates that the applicant is sufficiently reliable, expert, and competent to operate the facility under applicable provisions of R.C. Chapters 3704., 3734., and 6111., and terms and conditions of the modification permit, given the potential for harm to the public health and safety and the environment that could result from the irresponsible operation of the facility. R.C. 3734.05(D)(6)(f). In other words, the required demonstration is evidence sufficient to justify a prediction of future facility management consistent and in compliance with the permitting standards and criteria.

*Monsanto* at 14.

22. The decision to take an [enforcement] action, the time frame within which to commence such an enforcement action and the authority to determine what events and which developments will precipitate such an enforcement action are decisions within the discretion of the Director. *Miller v. Schregardus* (1991), Case No. EBR 132470, 1991 Ohio ENV LEXIS 9.
23. The Board in the past has and may continue to give deference to the various primary permit issuance and enforcement agencies with respect to the establishment of a record of compliance, and deference to the EBIU as a primary investigatory body.

*Discussion:* A decision to undertake enforcement of environmental violations is within the discretion of the Director. As regards an investigation into an applicant's disclosure statement and other relevant compliance history information, jurisdiction and statutory authority has been granted primarily to the EBIU. While the stated positions of the Attorney General and the Director regarding areas of their particular expertise and primary jurisdiction are not binding upon the Board, appropriate weight may be accorded.

The examiner recommends Conclusions of Law Nos. 19 and 23 as extension of that espoused by the Board in *Monsanto*.

24. As all of the violations cited have been remediated and there has been no escalated enforcement action on the part of the Ohio EPA, Applicant has demonstrated the requisite history of dealing responsibly with environmental matters.

25. Applicant, as owner and operator of the facility, and all persons in a position with the facility from which they may influence the installation and operation of the facility, have a record of compliance with R.C. Chapters 3704, 3734, and 6111 and all rules and standards adopted thereunder, the Resource Conservation and Recovery Act and all regulations promulgated thereunder, and similar laws and rules of other states, that demonstrates sufficient reliability, expertise, and competency to operate a hazardous waste facility under the applicable provisions of R.C. Chapters 3704, 3734, and 6111 and the applicable rules and standards adopted under those chapters, given the potential for harm to the public health and safety and the environment that could result from the irresponsible operation of the facility. R.C. 3734.05(D)(6)(f).

*F. Permit Terms and Conditions*

26. If the Board approves an application for a hazardous waste facility installation and operation permit [or modification thereof], as a part of its written order it shall issue the permit upon such terms and conditions as the Board finds are necessary to ensure the construction and operation of the hazardous waste facility in accordance with the standards of R.C. 3734.05. R.C. 3734.05(D)(6)
27. After a review and consideration of the record, it is not necessary to issue permit terms and conditions in addition to those set forth in the renewal permit to ensure the construction and operation of the facility in accordance with the standards of R.C. 3734.05.

*G. Entitlement to Permit*

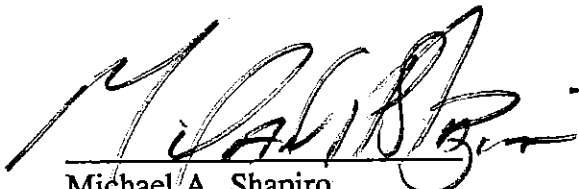
28. Applicant meets and complies with all applicable prerequisites and requirements for the issuance of a hazardous waste facility installation and operation permit modification and has met its burden of proof with respect to adjudication of each and every one of the applicable siting criteria set forth at R.C. 3734.05(D)(6).

29. Applicant has demonstrated entitlement to the issuance of such permit modification pursuant to R.C. Chapter 3734 and the rules and standards adopted thereunder.

#### RECOMMENDATION

There being no disputed issues between the parties, no necessary permit terms and conditions to be imposed, and no further participation by staff required, unless so directed by the Board, the examiner respectfully recommends that the Board meet to approve and adopt the recommended herein Findings of Fact and Conclusions of Law, and issue a written opinion and final order granting the permit modification.

Respectfully submitted,



Michael A. Shapiro  
Hearing Examiner



NOTES TO THE FILE:

On December 14, 1998, I talked to Mike Beedle of enforcement about the enforcement case EPA has against WCI and how my recent discussions with OEPA about folding over impoundments under closure to corrective action may impact the enforcement negotiations. Mike did not think that folding over the impoundments (5, 6, and 6a) would hamper the enforcement case, but he thought that our answer to OEPA should be that we would consider it as an option. I told Mike we will be on a conference call this Wednesday and need to have our answer by then. We can not postpone our decision till some time in the future. I also indicated that I did not want to get involved with the above impoundments if DOJ doesn't want us to. He said he would find out what they think and get back to me.

*End of conversation*

*Daniel Patulski*

*DP 12/14/98*



SEP 20 1994

September 15, 1994

COMPLIANCE SECTION

Mr. Ermelindo Gomes  
Ohio EPA  
Northeast District Office  
2110 East Aurora Road  
Twinsburg, Ohio 44087

Ohio EPA  
Emergency Response  
P.O. Box 1049  
Columbus, Ohio 43266

Mr. Mark Horwitz (HSC-91)  
U.S. EPA, Region V  
77 W. Jackson St.  
Chicago, Illinois 60604-3590

Trumbull County Emergency  
Response  
160 High St.  
Warren, Ohio 44481

Chief Ralph Jones  
Warren Township Fire Department  
4750 W. Market St.  
Leavittsburgh, Ohio 44485

Chief George Brown  
Howland Fire Department  
169 Niles-Cortland Rd.  
Warren, Ohio 44484

WCI Steel, Inc. Unauthorized Discharge of  
an Oil Sheen on September 13, 1994

---

Dear Sirs:

The attachment is the notification and description of an unauthorized discharge at WCI on September 13, 1994. A call was received from the Security Department that a possible light oil sheen was observed along the east side of the Mahoning River from our hot metal bridge at about 5:30 PM. Upon arriving at 6:10 PM, it was confirmed to be an oil sheen and the source was found to be outfall #007.

The turn foreman from the Rolling and Finishing Department, where outfall #007 waters originated, was located and began looking for the source of the oil sheen. The five agencies which we are required to notify were notified and when this was completed at 7:10 PM, I proceeded to the storeroom and obtained an oil boom absorbent.

Security met me with Warren Township Fire Chief Jones at 7:20 PM and we returned to the site. A local vacuum truck operator was called to dispatch a truck to man the boom and remove any oil accumulated. It was getting dark so electrical maintenance was called and ran lights down the bank to outfall #007 by 8:15 PM and the boom was installed by 8:30 PM. The vacuum truck arrived a few minutes after 9:00 PM and stayed at the boom until all oil ceased coming from outfall #007 at 1:00 AM on September 14, 1994.

Rolling and Finishing found a leaking heat exchanger in the Morgoill System at 9:00 PM and immediately shut down the water to the heat

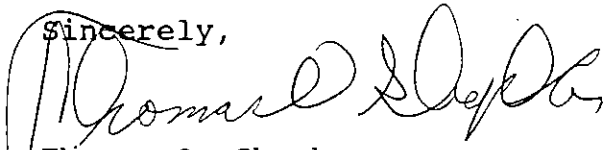
Unauthorized Discharge  
September 15, 1994  
Page 2

exchanger. The heat exchanger was rebuilt during midnight turn and placed back in service. The oil appeared at outfall #007 again and the water to the heat exchanger was again shut down and will be left off until a new heat exchanger can be obtained.

The vacuum truck was dispatched to the outfall again to clean up any oil resulting from the trial repair and was kept there until all oil ceased. A second absorbent oil boom was placed at the outfall to polish all oil sheen from the discharged water.

If you have any questions, please call me at 216/841-8200.

Sincerely,



Thomas O. Shepker  
Manager  
Environmental Control

TOS:yt

Attachment

cc: Murry Lantner

ud9-1394.1et

007776



1. DATE OF DISCHARGE : 09/13/94 TIME 1 : 6:10 PM
2. SPILL REPORTED BY : T.O.SHEPKER TIME 2 : 9:00 PM
3. MATERIAL SPILLED : OIL SHEEN -- MORGOIL
4. LOCATION OF SPILL : OUTFALL #007
5. WATERWAY AFFECTED : MAHONING RIVER OUTFALL NO.: 007
6. DISCHARGE QUANTITY : LESS THAN 100 GALLONS, ESTIMATED 20 TO 50 GALLONS
7. AGENCY NOTIFICATIONS

DEPA EMER RESPONSE DATE : 09/13/94  
(800-282-9378) TIME : 06:34 PM  
DEPA CONTACT : AMY AXON  
DEPA ID NO. : 9409-78-4100

NAT. RESP. CENTER DATE : 09/13/94  
(800-424-8802) TIME : 6:39 PM  
NCR PERSON CONTACTED : LT. DIRSA  
NCR ID NO. : 260419

HOWLAND FIRE DEPT.  
PHONEMAIL  
7:05 PM  
856-5022

DEPA REGIONAL OFFICE DATE :  
(216-425-9171) TIME :  
DEPA PERSON CONTACTED :

TRUMBULL CO EMA/LEPC DATE : 09/13/94  
(216-675-2666) TIME : 6:55  
COUNTY PERSON CONTACTED : DENNY

WARREN TOWNSHIP FIRE DPT  
PHONE MAIL  
7:00 PM  
898-2041

8. EFFECTS ON HUMAN HEALTH OR ENV. : NONE

9. CAUSE OF INCIDENT :  
BROKEN HEAT EXCHANGER IN THE TANDEM MILL MORGOIL SYSTEM.

10. CONTAINMENT/CLEANUP INITIATED : 08:00 PM 09/13/94  
COMPLETED : 01:00 AM 09/14/94

11. CORRECTIVE ACTION TAKEN :  
AN OIL BOOM WAS PLACED ACROSS OUTFALL #007 TO CONTAIN THE OIL. THE BROKEN HEAT EXCHANGER IN THE TANDEM MILL MORGOIL SYSTEM WAS LOCATED AND THE SYSTEM WAS IMMEDIATELY SHUT DOWN. THE HEAT EXCHANGER WILL BE REPLACED BEFORE BEING PLACED BACK IN OPERATION. THE OIL BOOM WAS MANNED BY A VACUUM TRUCK CREW UNTIL THE OIL CEASED COMING FROM THE OUTFALL. A SECOND OIL BOOM WAS PLACED BEHIND THE FIRST TO POLISH ANY SHEEN FROM THE WATER SURFACE. THE BOOMS WILL BE LEFT IN PLACE FOR SEVERAL DAYS IN CASE ANY OIL TRAPPED IN THE OUTFALL PIPING COMES FREE.

12. DATE LETTER SENT TO AGENCY : 09/15/94

13. DATE LETTER REC'D FROM AGENCY :  
DATE INCIDENT CLOSED :

007777





State of Ohio Environmental Protection Agency

P.O. Box 1049, 1800 WaterMark Dr.  
Columbus, Ohio 43266-0149  
(614) 644-3020  
FAX (614) 644-2329

George V. Voinovich  
Governor

June 2, 1994

Murray Lantner  
US Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago IL 60604-3590

RECEIVED  
JUN 09 1994  
COMPLIANCE SECTION

Dear Mr. Lantner,

Enclosed, please find copies of the information you requested from the Ohio EPA, Emergency Response Unit, along with a copy of your letter. I apologize for the delay in processing your request. However we currently have a large backlog of requests to fulfill. All request for spill related information have been logged and are being processed on a first come first serve basis.

At this time the Emergency Remedial Response Division is reviewing and revising the cost recovery section that includes rates for hard copy as well as electronic copies of data. As soon as the policy and procedures are implemented, I will notify you with a copy of the standard charges. Until this implementation takes place, there will be no charges.

Please be advised that all requests should be directed to:

Cindy Lewis, Records Management Officer  
Ohio EPA, Emergency Response Unit  
P.O. Box 163669  
Columbus, OH 43216-3669

If you have any questions regarding this situation, please feel free to contact me at (614) 644-2084.

Sincerely,

  
Cindy Lewis

cc: Jan Carlson, Acting Chief, Derr  
Pat Campbell, Fiscal Officer, Derr  
Kevin Clouse, Manager, ERSIS  
Tim Hickin, Supervisor, ER

007688



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

Tim Hickin, OEPA Emergency Response  
1800 Watermark Drive  
P.O. Box 1049, Columbus, Ohio  
43266-0149

Subject: Request for Spill Report at LTV, Warren Ohio Coke Plant  
on December 17, 1993

Dear Mr. Hickin:

I am interested in obtaining a spill report and any other correspondence, if they exist, for a spill/sheen which was observed during an inspection at the LTV, Warren Ohio Coke Plant (Mahoning river). The address of the plant is LTV Steel Company, Warren Works Coke Plant, 2344 Main Avenue, SW, Warren Ohio 44482.  
The NPDES Permit No. for this facility is OH0011274

If you have any question feel free to call (312) 886-2307

See the attached business card for FAX # or mailing address

Sincerely,

Murray Lantner

*P.S. Please let me know as soon  
as possible*

007689



Releases for Jan 90 thru Dec 93

Spill Number: 9001-78-0228	Entity: LTV STEEL
County: TRUMBULL	Address: 2234 MAIN AVE
Twp/City: WARREN	WARREN, OH 44482
Reported: 01/17/90 11:55	Source: Fixed facility / Industry
Area Aff: Air	Machinery (things that stay put)
Waterway:	Cause: Equipment failure
Size/Priority: Small	Location:
Material Spilled	Amount Spilled Recovered Units Size Type
BENZENE	17 10 LB S A

Spill Number: 9001-78-0409	Entity: LTV STEEL
County: TRUMBULL	Address: 2234 MAIN AVE
Twp/City: WARREN	44482
Reported: 01/30/90 08:17	Source: Fixed facility / Industry
Area Aff: Air	Other
Waterway:	Cause: Equipment failure
Size/Priority: Large / 3	Location:
Material Spilled	Amount Spilled Recovered Units Size Type
BENZENE	104 0 LBS L A
COKE OVEN GAS	60,000 0 UNK L A
*LETTER FROM CO ATTACHED	

Spill Number: 9002-78-0898	Entity: LTV STEEL
County: TRUMBULL	Address:
Twp/City: WARREN	
Reported: 02/19/90 08:11	Source: Fixed facility / Industry
Area Aff: Air	Lagoon
Waterway:	Cause: Process malfunction
Size/Priority: Small / 4	Location:
Material Spilled	Amount Spilled Recovered Units Size Type
BENZENE	UNK S A
LETTER ATTACHED	

007690

Releases for Jan 90 thru Dec 93

Spill Number: <b>9002-78-1005</b>	Entity: LTV STEEL				
County: TRUMBULL	Address: 2234 MAIN				
Twp/City: WARREN	WARREN, OH 44482				
Reported: 02/26/90 11:35	Source: Fixed facility / Industry				
Area Aff: Air	Other				
Waterway:	Cause: Valve failure				
Size/Priority: Unknown / 3	Location: 2234 MAIN				
Material Spilled	Amount Spilled	Recovered	Units	Size	Type
BENZENE			UNK	U	C

Spill Number: <b>9004-78-2030</b>	Entity: WARREN				
County: TRUMBULL	Address:				
Twp/City: WARREN					
Reported: 04/25/90 17:50	Source: Fixed facility / Government				
Area Aff: Land	Waste system				
Waterway:	Cause: Dumping / disposal				
Size/Priority: Unknown / 3	Location: SEE ATTACHED REPORT				
Material Spilled	Amount Spilled	Recovered	Units	Size	Type
OIL			UNK	U	H
DRUMS			UNK	U	O

Spill Number: <b>9004-78-2075</b>	Entity: LTV STEEL				
County: TRUMBULL	Address: 2234 MAIN AVE				
Twp/City: WARREN	WARREN, OH				
Reported: 04/28/90 13:15	Source: Fixed facility / Industry				
Area Aff: Surface Water	Waste system				
Waterway: MAHONING RIVER	Cause: Permit violation				
Size/Priority: Unknown / 3	Location: SAME AS ABOVE				
Material Spilled	Amount Spilled	Recovered	Units	Size	Type
WASTE WATER			UNK	U	WW

Spill Number: <b>9005-78-2125</b>	Entity: LTV STEEL				
County: TRUMBULL	Address: 2234 MAIN AVE.				
Twp/City: WARREN	WARREN, OH 44482				
Reported: 05/01/90 08:25	Source: Fixed facility / Industry				
Area Aff: Air	Other				
Waterway:	Cause: Process malfunction				
Size/Priority: Small / 3	Location: 2234 MAIN AVE.				
Material Spilled	Amount Spilled	Recovered	Units	Size	Type
BENZENE	20	0	LBS	S	C

007691

Releases for Jan 90 thru Dec 93

Spill Number: <b>9005-78-2243</b>	Entity: LTV STEEL
County: TRUMBULL	Address: 2234 MAIN AVE.
Twp/City: WARREN	WARREN, OH 44482
Reported: 05/07/90 08:15	Source: Fixed facility / Industry
Area Aff: Air	Reacting vessel
Waterway:	Cause: Valve failure
Size/Priority: Small / 3	Location: 2234 MAIN AVE.
Material Spilled	Amount Spilled Recovered Units Size Type
BENZENE	42 0 LBS C
S	

Spill Number: <b>9006-78-3152</b>	Entity: LTV STEEL
County: TRUMBULL	Address: 2234 MAIN ST
Twp/City: WARREN	WARREN, OH 44482
Reported: 06/24/90 10:40	Source: Fixed facility / Industry
Area Aff: Air	Other
Waterway:	Cause: Process malfunction
Size/Priority: Small / 4	Location:
Material Spilled	Amount Spilled Recovered Units Size Type
BENZENE	UNK S A

Spill Number: <b>9006-78-3161</b>	Entity: LTV STEEL
County: TRUMBULL	Address: 2234 MAINE AVE.
Twp/City: WARREN	WARREN, OH 44482
Reported: 06/25/90 08:25	Source: Fixed facility / Industry
Area Aff: Air	Other
Waterway:	Cause: Permit violation
Size/Priority: Small / 3	Location: MAIN
Material Spilled	Amount Spilled Recovered Units Size Type
BENZENE	78 0 LBS S C

Spill Number: <b>9006-78-3222</b>	Entity: LTV STEEL
County: TRUMBULL	Address:
Twp/City: WARREN	
Reported: 06/28/90 14:00	Source: Fixed facility / Industry
Area Aff: Surface Water	Waste system
Waterway: MAHONING RIVER	Cause: Overflow
Size/Priority: Medium / 3	Location: 2234 MAIN AVE.
Material Spilled	Amount Spilled Recovered Units Size Type
WASTE WATER	500 0 GAL M WW

007692

Run 06/03/94

Releases for Jan 90 thru Dec 93

Spill Number: 9008-78-4137	Entity: LTV STEEL
County: TRUMBULL	Address: 2234 MAIN AVE
Twp/City: WARREN	WARREN, OH 44482
Reported: 08/24/90 08:55	Source: Fixed facility / Industry
Area Aff: Air	Machinery (things that stay put)
Waterway:	Cause: Seam failure
Size/Priority: Small / 3	Location: 2234 MAIN AVE
Material Spilled	Amount Spilled Recovered Units Size Type
BENZENE	300 0 LBS S C
AMMONIA	100 0 LBS S C

Spill Number: 9009-78-4614	Entity: WARREN CONSOLIDATED
County: TRUMBULL	Address: 1040 PINE AVE.
Twp/City: WARREN	WARREN, OH 44483
Reported: 09/26/90 15:23	Source: Fixed facility / Business
Area Aff: Surface Water	Other
Waterway: MAHONING RIVER	Cause: Unknown
Size/Priority: Unknown / 3	Location: 1040 PINE AVE.
Material Spilled	Amount Spilled Recovered Units Size Type
OIL	UNK U H

Spill Number: 9011-78-5167	Entity: LTV STEEL
County: TRUMBULL	Address: 2234 MAIN AVE.
Twp/City: WARREN	WARREN, OH 44481
Reported: 11/02/90 08:25	Source: Fixed facility / Industry
Area Aff: Surface Water	Machinery (things that stay put)
Waterway: MAHONING RIVER	Cause: Valve failure
Size/Priority: Small / 3	Location:
Material Spilled	Amount Spilled Recovered Units Size Type
ABSORBENT OIL	100 0 GAL 3 PC

Spill Number: 9012-78-5534	Entity: LTV STEEL
County: TRUMBULL	Address: 2234
Twp/City: WARREN	WARREN, OH 44482
Reported: 12/03/90 11:27	Source: Fixed facility / Industry
Area Aff: Surface Water	K-culvert, manhole, or outfall
Waterway: MAHONING RIVER TRIB	Cause: Dumping / disposal
Size/Priority: Unknown / 3	Location: 2234 MAIN AVE.
Material Spilled	Amount Spilled Recovered Units Size Type
UNK HYDROCARBON	UNK U H

007693



Releases for Jan 90 thru Dec 93

Spill Number: <b>9012-78-5744</b>	Entity: LTV STEEL
County: TRUMBULL	Address: 2234 MAIN AVE.
Twp/City: WARREN	WARREN, OH 44481
Reported: 12/18/90 23:45	Source: Fixed facility / Industry
Area Aff: Surface Water	K-culvert, manhole, or outfall
Waterway: MAHONING RIVER	Cause: Overflow
Size/Priority: Small / 4	Location: 2234 MAIN AVE.
Material Spilled	Amount Spilled Recovered Units Size Type
DIRECT COOLING WATER	300 0 GAL S W

Spill Number: <b>9101-78-0242</b>	Entity: WARREN CONSOLIDATED IND
County: TRUMBULL	Address: 1040 PINE AVE SE
Twp/City: WARREN	WARREN, OH
Reported: 01/24/91 14:40	Source: Fixed facility / Industry
Area Aff: Surface Water	K-culvert, manhole, or outfall
Waterway: MAHONING RIVER	Cause: Discharge
Size/Priority: Small / 3	Location: 1040 PINE AVE SE
Material Spilled	Amount Spilled Recovered Units Size Type
LUBE OIL	30 0 GAL S H

Spill Number: <b>9102-78-0324</b>	Entity: WARREN SCRAP YARD
County: TRUMBULL	Address: 326 SOUTH MAIN ST.
Twp/City: WARREN	WARREN, OH
Reported: 02/01/91 13:05	Source: Fixed facility / Abandoned site
Area Aff: Other	Building
Waterway:	Cause: Dumping / disposal
Size/Priority: Large / 2	Location: MAIN ST. JUST S. OF SOUTH ST.
Material Spilled	Amount Spilled Recovered Units Size Type
DRUMS L	UNK O

Spill Number: <b>9105-78-1650</b>	Entity: WARREN CONSOLIDATED IND
County: TRUMBULL	Address:
Twp/City: WARREN	
Reported: 05/07/91 16:30	Source: Fixed facility / Industry
Area Aff: Air	Stack release - Air
Waterway:	Cause: Discharge
Size/Priority:	Location: PINE STREET
Material Spilled	Amount Spilled Recovered Units Size Type
WASTE STUFF	UNK

007694

Releases for Jan 90 thru Dec 93

Spill Number: 9106-78-2130	Entity: LTV STEEL
County: TRUMBULL	Address: 2234 MAIN
Twp/City: WARREN	
Reported: 06/02/91 09:10	Source: Fixed facility / Industry
Area Aff: Land / Surface Water	Other
Waterway: STORM SEWER	Cause:
Size/Priority: Unknown / 3	Location: 2234 MAIN
Material Spilled	Amount Spilled Recovered Units Size Type
TAR	110 0 GAL S H

Spill Number: 9107-78-2805	Entity: WARREN WATER PLANT
County: TRUMBULL	Address:
Twp/City: WARREN	
Reported: 07/10/91 15:51	Source: Fixed facility / Public
Area Aff: Surface Water	Other
Waterway: MOSQUITO CREEK TRIB	Cause: Discharge
Size/Priority: Large / 2	Location: RT 5
Material Spilled	Amount Spilled Recovered Units Size Type
POTASSIUM PERMANGANATE	UNK L C

Spill Number: 9107-78-3075	Entity: LTV STEEL
County: TRUMBULL	Address:
Twp/City: WARREN	
Reported: 07/26/91 07:16	Source: Transportation / Truck
Area Aff: Surface Water	Tanker
Waterway: DITCH-MAHONING RIVER TRIB	Cause: Overfill
Size/Priority: Medium / 2	Location: 2234 MAIN AVE
Material Spilled	Amount Spilled Recovered Units Size Type
CRUDE COAL TAR	200 0 GAL

Spill Number: 9108-78-3362	Entity: LTV STEEL CO / COKE PLANT
County: TRUMBULL	Address: 2234 MAIN AVE SW
Twp/City: WARREN	WARREN, OH 44482
Reported: 08/11/91 11:00	Source: Fixed facility / Industry
Area Aff: Surface Water	K-culvert, manhole, or outfall
Waterway: MAHONING RIVER TRIB	Cause: Discharge
Size/Priority: Large / 4	Location: 2234 MAIN AVE SW
Material Spilled	Amount Spilled Recovered Units Size Type
ACID WASTEWATER	109,000 107,000 GAL L WC
AMMONIUM CHLORIDE	UNK U WC
*OTHER EHS CHEMICALS	
*NRC# 83324	

007695

Run 06/03/94

*Squire, Sanders & Dempsey*

*U. S. Offices:*  
*Columbus, Ohio*  
*Jacksonville, Florida*  
*Miami, Florida*  
*New York, New York*  
*Phoenix, Arizona*  
*Washington, D.C.*

*International Offices:*  
*Brussels, Belgium*  
*Budapest, Hungary*  
*London, England*  
*Prague, Czech Republic*

*Counsellors at Law*  
*4900 Society Center*  
*127 Public Square*  
*Cleveland, Ohio 44114-1304*

*Telephone (216) 479-8500*

*Telecopier (216) 479-8780*

May 5, 1994

*Direct Dial Number*

(216) 479-8663

**BY FEDERAL EXPRESS**

Sheri L. Bianchin, HRE-8J  
United States Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago, Illinois 60604

**Re: Supplement to Information Request Response  
WCI Steel, Inc., Warren, Ohio OHD 060 409 521**

Dear Ms. Bianchin:

I have enclosed the original certification of James V. Stack and the notarized acknowledgement to replace the facimile versions which were included with the information request response dated May 4, 1994. Again, if you have any questions concerning the information request response or other matters involving the WCI Steel facility, please contact me directly.

Sincerely,

*Philip C Schillawski*

Philip C. Schillawski

Enclosures

**RECEIVED**

MAY 06 1994

**OFFICE OF RCRA  
WASTE MANAGEMENT DIVISION  
EPA, REGION V**



# *Squire, Sanders & Dempsey*

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*Budapest, Hungary*  
*London, England*  
*Prague, Czech Republic*

*Counsellors at Law*  
*4900 Society Center*  
*127 Public Square*  
*Cleveland, Ohio 44114-1304*

*Telephone (216) 479-8500*  
*Telecopier (216) 479-8780*

May 4, 1994

*Direct Dial Number*  
(216) 479-8663

## **BY FEDERAL EXPRESS**

Sheri L. Bianchin, HRE-8J  
United States Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago, Illinois 60604

**Re: WCI Steel, Inc., Warren, Ohio OHD 060 409 521**

Dear Ms. Bianchin:

As counsel for WCI Steel, Inc., I am writing to respond to William E. Muno's letter to James Stack dated April 1, 1994, which was received by WCI Steel on April 7, 1994. In order to investigate more fully the information requests in U.S. EPA's letter, WCI Steel requested, and U.S. EPA granted, an extension until May 5, 1994 to respond. We appreciate the Agency's cooperation in granting this request.

Some of the information requests were confusing and extremely and unfairly broad. As such, WCI Steel objects to the requests as overly broad, arbitrary and capricious, an abuse of discretion, and/or otherwise not in accordance with law. Nevertheless, WCI Steel is voluntarily providing the information and documents supplied with this letter and made available for agency review and copying, without any admission of liability or waiver of objection. Furthermore, provision of documents for agency review and copying in response to these requests is not a waiver by WCI Steel of any potential objection to admissibility of such documents and is not an admission by WCI Steel of the authenticity or accuracy of any document.

WCI Steel objects to the information request to the extent it requests information beyond U.S. EPA's statutory authority to request information. WCI Steel further objects to U.S. EPA's inclusion of the company's attorneys in the agency's information request, to the extent that it seeks to obtain information which may be protected by the attorney-client privilege or the work product doctrine, or prepared for trial or in

*Squire, Sanders & Lempsey*

Sheri L. Bianchin

May 4, 1994

WCI Steel, Inc. Page 2

anticipation of litigation. In the event that, due to the large volume of materials examined within the time-frame imposed by U.S. EPA, any privileged documents are inadvertently provided to U.S. EPA as part of this response, WCI Steel does not waive its right to assert a privilege in the future.

WCI Steel particularly objects to U.S. EPA's information request to the extent that it purports to require WCI Steel to respond on the basis not only of all information and documents in its control, but also on the basis of all information and documents in the possession, custody or control of the company's former employees, agents, servants, and contractors. As a general rule of law, a company is required to research and provide only information and documents in its own control, possession or custody. Despite claims that the agency may assert regarding CERCLA or RCRA, that limitation has not been abandoned. WCI Steel, solely in voluntary cooperation with the agency's attempt to obtain relevant information, has interviewed and is providing information obtained from certain former employees and contractors, without waiver of objection.

WCI Steel also specifically objects to U.S. EPA's instruction that original or duplicate copies of all documents responsive to the information request be turned over to U.S. EPA. RCRA Sec. 3007(a) requires only that WCI Steel permit U.S. EPA representatives "to have access to, and to copy" such documents. CERCLA Sec. 104(e)(2) provides that WCI Steel may choose to give U.S. EPA representatives access "at reasonable times" to "inspect and copy" such documents. WCI Steel has segregated at its offices the approximately 24 cubic feet of documents which are responsive to U.S. EPA's information request, and the agency's representatives may arrange a reasonable time to inspect and arrange for copying of these documents (at the agency's cost) by contacting the undersigned.

Pursuant to 40 C.F.R. Part 2, WCI Steel hereby asserts a business confidentiality claim for all those documents enclosed with this response which are stamped "Confidential." WCI Steel also requests that these documents be treated as confidential pursuant to 18 U.S.C. Sec. 1905, 42 U.S.C. Sec. 9604 and any other statute or regulation entitling such documents to protection from disclosure.

This response is based upon a diligent review of WCI Steel's files kept in the ordinary course of business, of the partial and incomplete files of previous Facility owners Republic Steel Corporation and LTV Steel Corporation in the control of WCI Steel and interviews with current employees and certain contractors and former employees who are knowledgeable about the areas addressed in the information requests.

*Squire, Sanders & Dempsey*

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I object to U.S. EPA's vague and inaccurate reference to 18 U.S.C. Sec. 1001, which clearly is intended to have a coercive effect on non-lawyers. As U.S. EPA knows, 18 U.S.C. Sec. 1001 applies only to knowing and willful falsification or concealment, and is not applicable to all circumstances where U.S. EPA claims that information is false or inaccurate.

Although WCI Steel is submitting the names of current and certain former employees, WCI Steel would like to remind U.S. EPA that WCI Steel is currently represented in this matter by Squire, Sanders & Dempsey, and in particular Philip C. Schillawski and Van Carson. All contact with WCI Steel and its employees should be initiated through counsel, unless otherwise approved by counsel. Counsel can be reached at the following address:

Squire, Sanders & Dempsey  
4900 Society Center  
127 Public Square  
Cleveland, Ohio 44114-1304  
Van Carson -- (216) 479-8559  
Philip C. Schillawski -- (216) 479-8663

Subject to, and without waiver of, the above objections and any request-specific objections noted below, WCI Steel submits the attached in response to the specific questions expressed in the letter dated April 1, 1994. If you have any questions concerning this response or other matters involving the WCI Steel facility, please contact me directly.

Sincerely,

  
Philip C. Schillawski

Attachment  
Enclosures

WCI Steel, Inc.  
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RESPONSE TO INFORMATION REQUESTS

III.1. This response was prepared by counsel on behalf of WCI Steel, in consultation with Thomas Shepker, WCI Steel's Manager, Environmental Control, as well as other individuals. To further identify all persons consulted in preparation of this response, however inconsequential the nature of the consultation, would be clearly excessive and beyond the permissible scope of CERCLA Section 104(e) and RCRA Section 3007. WCI Steel has examined a large amount of potentially relevant sources of information to formulate an appropriate response, not all of which provided relevant or responsive information.

WCI Steel objects to this and other information requests to the extent they seek disclosure of any individual's address. WCI Steel is represented by counsel in this matter, and any communications to individuals currently or previously employed by WCI Steel should be through appropriate channels. Without waiving any of the foregoing objections, the following individuals provided information used to formulate this response:

Paul Santuzzi, WCI Steel  
Ray Zeuner, WCI Steel  
A.W. Pinkerton, WCI Steel  
Thomas Shepker, WCI Steel  
Richard Gradishar, WCI Steel  
Keith McLaughlin, WCI Steel  
Robert McCoy, WCI Steel  
Dexter Senek, WCI Steel  
Rick Palumbo, WCI Steel  
Duane Heflin, WCI Steel  
William Beineke, WCI Steel  
Dick Szymanski, WCI Steel  
Duane Lanham, WCI Steel  
Charles Brekoski, WCI Steel  
William Riedel, WCI Steel  
Jake Reis, WCI Steel  
Herman Showalter, WCI Steel  
Thomas Kachur, former WCI Steel  
John Reed, former WCI Steel  
David Calderwood, former WCI Steel  
Gregg Schafer, Shafer Industrial Services  
John Furrie, Duke's Sanitary Services  
David Bianco, Multi-Pressure Services



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Bob Brackle, Multi-Pressure Services  
Chuck Crank, Valley Systems

III.2. WCI Steel objects to this request because the identification of every document paged through or examined in the process of WCI Steel's diligent file search to determine which documents were responsive to the information requests would require the identification of thousands of irrelevant and non-responsive documents and is clearly over broad and burdensome. WCI Steel has either provided with this response, or has segregated and made available for agency review and copying, all non-privileged documents identified in its file review which are responsive to the information requests.

III.3. Files and/or documents in WCI Steel's control which date from the period of the ownership of the Facility by Republic Steel Corporation and LTV Steel Corporation are generally incomplete. It is possible that LTV Steel Corporation may have additional or complete documents in files within its control.

IV.1. See enclosed prospectus.

IV.2. See enclosed documents identified to this request and to IV.3.b.

IV.3.a. See enclosed document.

IV.3.b. WCI Steel objects to U.S. EPA's request for Internal Revenue Service documents. The information request states that financial information is requested only:

to evaluate the ability of persons associated with the Facility to fund financial instruments to assure the Facility's compliance with the financial responsibility requirements of RCRA, to perform closure/post closure care of the Facility, and to pay any penalties which may be imposed.

financial responsibility requirements of RCRA and closure/post closure care are related solely to RCRA, and, as CERCLA does not provide for any imposition of penalties, the penalties referred to must relate solely to RCRA also. Under U.S. v. Charles George Trucking Company, Inc., 624 F. Supp. 1185, 1188 (D. Mass. 1986), RCRA Section 3007 does not provide authority for U.S. EPA to

**WCI Steel, Inc.**  
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request information regarding finances. Solely as an accomodation to the agency, and without waiver of any objection, WCI Steel is furnishing the audited financial statements and other financial information enclosed herewith. WCI Steel claims business confidentiality protection under 40 C.F.R. Part 2 and any other applicable regulation or statute for all such information in any document stamped "Confidential."

IV.3.c. See objection and response to IV.3.b. The officers of WCI Steel are responsible for the assets and liabilities of the company.

IV.3.d. WCI Steel objects to the request for minutes of corporate board meetings as overly broad and burdensome and beyond the scope of the agency's statutory authority for RCRA information requests. See objection and response to IV.3.b.

IV.4. Not applicable.

IV.5. Not applicable.

IV.6. See objection to IV.3.b.

IV.7. See objection and response to IV.3.b. and enclosed documents identified to this item.

IV.8. See enclosed documents identified to this item.

IV.9. None. WCI Steel utilizes the financial test to satisfy this requirement.

IV.10. See response to IV.9.

IV.11. Responsive documents containing this information have been segregated for the agency's review and copying.

IV.12. Responsive documents containing this information have been segregated for the agency's review and copying.

V.1. Responsive documents containing this information have been segregated for the agency's review and copying.

V.2. None.

WCI Steel, Inc.  
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V.3. Responsive documents containing this information have been segregated for the agency's review and copying.

V.4. Responsive documents containing this information have been segregated for the agency's review and copying.

VI.1. Responsive documents containing this information have been segregated for the agency's review and copying. The primary purpose of the pond system is to serve as an equalization basin for volume and chemistry for wastewater, with No. 5 pond used in series with No. 6 pond. No. 5 pond is used for primary free oil separation from the wastewater and No. 6 pond is used as a final free oil separation facility. Both ponds also collect storm water from the entire finishing mill area. The actual starting date for operation of the pond system is unknown. No. 6 pond was in use around 1942, and it is probable that No. 5 pond was also in use at this time. DWG 112643 depicts the 5 and 6 pond system. See VI.3. for a description of the purpose of No. 6A pond.

VI.2. WCI Steel has no knowledge of any listed, ignitable or toxic hazardous waste discharge to the pond system. A tank holding dilute chromic acid solution used for surface treatment of steel strip at the galvanizing line was possibly (based on hearsay) dumped into the galvanizing line sewer prior to July 29, 1985, but this solution would have been greatly impacted by other wastewaters discharged into the sewer system before the wastewaters reached the pond system. No EP toxicity data on the actual discharge to the pond system exists. Presently, minor overflows of solution from this tank may occasionally be discharged to the galvanizing line sewer.

WCI Steel has no pH data on the actual influent to the pond system during representative or usual operation. Data reflecting pH of non-representative grab samples taken from the bosh box prior to entry of wastewater into the pond on three days in 1993 are contained in the Killam report identified to VI.4., but these samples were taken during an experiment in which the usual lime addition to the pickler sump had been halted. Data reflecting pH of influent wastewater to the Central Wastewater Treatment Plant from the ponds is contained in manual and computer operating logs from the Central Wastewater Treatment Plant identified to VI.5., but this data is of questionable accuracy. The Central Wastewater Treatment Plant monitors pH of the influent from the ponds only to obtain a qualitative indication of trends. The influent wastewater from the ponds contains residual amounts of oil and grease which

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quickly coats the sole pH probe and makes the readings quantitatively inaccurate. A graph of pH readings between June 20 and July 2, 1993, before and after one replacement of the probe (identified to VI.5.) may demonstrate this effect. The manual operating log entry of pH is an instantaneous reading from the same sole pH probe which also provides the input to the computerized operating log. The computerized operating log data for minimum pH are unreliable because the system continues to read pH data input while the probe is being cleaned (once a shift) with a strong acid solution, and thus the minimum pH reading generally reflects the pH of the cleaning solution. Since the average pH data of the computerized operating log are calculated using the minimum pH data as part of the input, these data are also unreliable. The sole pH probe is calibrated for the low end (2.0 and 7.0 buffers) so the maximum pH data is also questionable for quantitative accuracy.

VI.3.- The No. 6 pond new dike construction was completed February 1984. The following summer period a few leaks appeared from the dike and a small pond was built by enclosing the flow which went directly into the river. An underflow pipe was included to prevent oil escaping to the river. The pond impoundment was expanded to the south late summer of 1984. A small sump pump was installed before winter 1985 to return the water to No. 6 pond. During this period leakage from the pond occurred during very high pond levels associated with storm events. June to October 1986, the No. 6 pond dike was sealed by pressure grouting by the Prepak Concrete Company. By the fourth quarter 1986, a formal pond 6A was built with a bridge holding two larger sump pumps piped over the dike into No. 6 pond. A longer south trench was added at that time.

VI.4. Documents containing responsive information have been segregated for the agency's review and copying. In addition to the sources described in these documents, contractors operating vacuum trucks (Duke's Sanitary, Multi-Pressure, Valley Systems and Shafer) have discharged stormwater, wastewater and/or oil sucked from various sources into No. 5 pond. Sources and types of materials discharged to No. 5 pond are listed below:

Oil and Water from hot and cold strip mills, galvanizing line and locomotive shop

Grease from the 56 inch mill

Stormwater, often with some oil, from railroad switch boxes, flooded basements, and storm water catch basins

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Cleanout wastewater from the flight conveyors at the BOF  
Water from the trunnion rings at the BOF  
Soluble oil from roll grinding  
Sludge from cleanout of the used oil tank  
Pressure cleanout water from maintenance at the blooming mill main sewer  
Gear box greases from the blooming mill  
Skimmings from the pond system  
Wastewater from the Central Wastewater Treatment Plant clarifier to keep from overflowing  
Oily sludge from the No. 4 outfall scale pit  
Oily sludge from diesel oil storage tanks  
Rinse water leaks from the galvanizing line sumps (ended in 1988, approximately).  
Wastewater from the pickle house looping pits  
Oil from scale pit skimmers, from behind containment booms, from residuals in product lubricant drums at the stock house  
Oil from under milling machines in the machining shop, which may have contained metal shavings

VI.5. WCI Steel objects to this request as being vague. Documents containing potentially responsive information about discharges to the pond system, and the Central Wastewater Treatment Plant operating logs specifically requested have been segregated for the agency's review and copying.

VI.6. WCI Steel objects to this request to the extent that it implies any ability by the agency to enforce any hazardous waste mixture rule before March of 1992. See, In the Matter of Hardin

WCI Steel, Inc.  
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County, Ohio, RCRA (3008) Appeal No. 93-1, (U.S. EPA Environmental Appeals Board, April 12, 1994). Without waiving any objection, the documents identified to VI.4. contain information responsive to this item.

VI.7. In order to assure that wastewater entering the pond system stays above a pH of 3, a lime slurry injection system was scoped out in July, 1993 to trickle lime into the 60 inch sewer. (See DWG 109028 identified hereto). Orders were placed for parts in August, 1993. Construction was completed in December, however, it was discovered that the small chemical metering pump could not handle the high solids slurry. New equipment planned for this system is a three inch crown trash pump operating in a continuous circulation mode. The flow to the sewer will be a controlled blowdown. This addition will be complete by mid May, 1994.

VI.8. - Responsive documents containing this information have been segregated for the agency's review and copying.

VI.9. Responsive documents containing this information have been segregated for the agency's review and copying.

VI.10. WCI Steel objects to this request to the extent it seeks to imply that spent pickle liquor and pickling rinse water are either physically identical or are regulated the same. Ohio EPA (reference: Edward Kitchen, Manager, RCRA Technical Assistance Section) does not interpret pickling rinse water as listed waste K062. Without waiving any objection, responsive documents containing this information have been segregated for the agency's review and copying.

VI.11. Responsive documents containing this information have been segregated for the agency's review and copying.

VI.12. WCI Steel is unable to interpret the first sentence of this request, and thus objects to it as vague. The "point source" exclusion of 40 C.F.R. 261.4(a)(2) provides that any industrial wastewater point source discharges through an NPDES outfall are not "solid wastes." Without waiving any objection, documents relating to spill incidents at outfall 017 have been segregated for the agency's review and copying.

VI.13. Responsive documents containing this information have been segregated for the agency's review and copying, identified to VI.4.

WCI Steel, Inc.  
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VI.14. Responsive documents containing this information have been segregated for the agency's review and copying.

VI.15. Responsive documents containing this information have been segregated for the agency's review and copying. See also documents identified to VI.4.

VI.16. Responsive documents containing this information have been segregated for the agency's review and copying.

VII.1. Construction on the hot strip mill began in 1959, and the hot strip mill began operation in 1961. The hot strip mill rolls red hot slabs of steel into "hot band" strip of approximately 1/4 inch thickness. Documents containing photographs of hot strip mill operation, construction details, and details of the equipment at the mill and wastes generated at the mill have been segregated for the agency's review and copying.

VII.2. No.

WCI Steel, Inc.  
Attachment  
May 4, 1994

State of Ohio        }  
                              } SS.  
County of Trumbull}

**AFFIDAVIT OF THOMAS SHEPKER**

Affiant being duly sworn and cautioned, states as follows:

1. My name is Thomas O. Shepker.
2. I am employed in the position of Manager, Environmental Control, by WCI Steel, Inc.
3. The President of WCI Steel, Inc., James V. Stack, directed me to supervise a diligent record search and diligent interviewing process to obtain information responsive to the information request from U.S. EPA dated April 1, 1994.
4. The diligent record search and diligent interviewing process described in paragraph 3 above have been completed.

Further affiant sayeth naught.

  
Thomas O. Shepker

Sworn to and subscribed before me this 4th day of May, 1994.



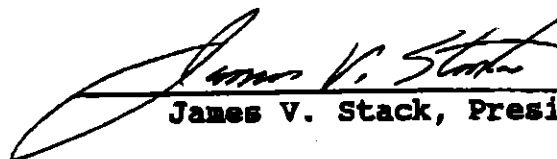
PHILIP C. SCHILLAWSKI, Attorney at Law  
Notary Public - State of Ohio  
My Commission Has No Expiration  
Section 147.03 R.C.

  
Notary Public



**VII. CERTIFICATION BY COMPANY OFFICER**

Provide the following notarized certification by a responsible Company Officer for WCI Steel, Inc.: "I certify under the penalty of law that I have personally examined and am familiar with the Information Request and request for documents. Based on my review of all relevant documents and/or inquiry of those individuals immediately responsible for providing all relevant information and documents, I believe that the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

  
James V. Stack, President

CERTIFICATION OF NOTARY

UNITED STATES OF AMERICA)  
STATE OF New York )  
COUNTY OF New York )  
\_\_\_\_\_

On this 4th day of May, 1994, in New York, N. Y.,  
there appeared before me, the undersigned Notary, James V. Stack  
and s/he acknowledged that s/he signed the foregoing Certification  
of Company Officer as a free and voluntary act and deed. GIVEN  
under my hand and official seal the day and year stated above.

Justin D'Atm

NOTARY PUBLIC \_\_\_\_\_


in and for the State of New York

JUSTIN D'ATM  
Notary Public, State of New York  
No. 41-6924030  
Qualified in Queens County  
Certificate Filed in New York County  
Term Expires March 30, 1996

Commission Expires March 31, 1996

**VII. CERTIFICATION BY COMPANY OFFICER**

Provide the following notarized certification by a responsible Company Officer for WCI Steel, Inc.: "I certify under the penalty of law that I have personally examined and am familiar with the Information Request and request for documents. Based on my review of all relevant documents and/or inquiry of those individuals immediately responsible for providing all relevant information and documents, I believe that the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

  
James V. Stack, President

CERTIFICATION OF NOTARY

UNITED STATES OF AMERICA)  
STATE OF New York )  
COUNTY OF New York )  
\_\_\_\_\_

On this 4th day of May, 1994, in New York, N. Y.,  
there appeared before me, the undersigned Notary, James V. Stack  
and s/he acknowledged that s/he signed the foregoing Certification  
of Company Officer as a free and voluntary act and deed. GIVEN  
under my hand and official seal the day and year stated above.

Justin D'Atm  
\_\_\_\_\_

NOTARY PUBLIC \_\_\_\_\_

in and for the State of New York  
\_\_\_\_\_

JUSTIN D'ATM  
Notary Public, State of New York  
No. 41-6924030  
Qualified in Queens County  
Certificate Filed in New York County  
Term Expires March 30, 1996

Commission Expires March 31, 1996

**WCI STEEL**

Vl. 14

13

April 14, 1994

Mr. Ermelindo Gomes  
Ohio Environmental Protection Agency  
Northeast District Office  
2110 East Aurora Road  
Twinsburg, Ohio 44087

Trumbull County Emergency  
Response  
160 High Street  
Warren, Oh 44481

Chief Ralph Jones  
Warren Township Fire Department  
4750 W. Market Street  
Leavittsburgh, Ohio 44485

Chief George Brown  
Howland Fire Department  
169 Niles-Cortland Road, NE  
Warren, Ohio 44484

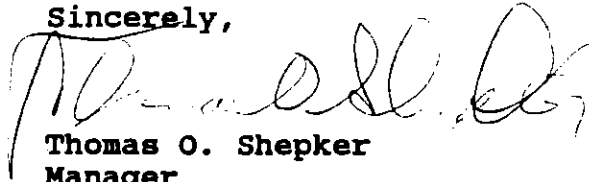
Unauthorized Discharge on April 13, 1994  
and April 14, 1994 Caused From  
Flooding by the Mahoning River

Dear Sirs:

The attachment is a summary of the inundation of our 6A waste water lagoon by the Mahoning River from 2:00 A.M. ON 4/13/94 until 2:15 P.M. on 4/14/94. I have also included the article from The Youngstown Vindicator about the high waters.

If you have any questions, please call me at (216) 841-8200.

Sincerely,



Thomas O. Shepker  
Manager  
Environmental Control Department

TOS:jjf

Enclosure

1. DATE OF DISCHARGE : 04/13/94      TIME 1 : 02:00 AM
2. SPILL REPORTED BY : T.O.SHEPHER      TIME 2 : 02:15 PM      04/14/94
3. MATERIAL SPILLED : EXFILTRATION FROM #6 POND AND SURFACE WATER RUNOFF
4. LOCATION OF SPILL : WASTE WATER POND #6A
5. WATERWAY AFFECTED : MAHONING RIVER      OUTFALL NO.: NONE
6. DISCHARGE QUANTITY : UNKNOWN
7. AGENCY NOTIFICATIONS

DEPA EMER RESPONSE      DATE :      WARREN TOWNSHIP FIRE DEPT.  
(800-282-9378)      TIME :      CHIEF JONES  
DEPA CONTACT :      11:35 AM  
DEPA ID NO. :      04/13/94

NAT. RESP. CENTER      DATE :      HOWLAND FIRE DEPT.  
(800-424-8802)      TIME :      KEN LAUGHLIN  
NCR PERSON CONTACTED :      11:40 AM  
NCR ID NO. :      04/13/94

DEPA REGIONAL OFFICE      DATE : 04/13/94  
(216-425-9171)      TIME : 02:00 AM  
DEPA PERSON CONTACTED : ERM JONES - VOICE MAIL

TRUMBULL CO EMA/LEPC      DATE : 04/13/94  
(216-675-2666)      TIME : 11:00  
COUNTY PERSON CONTACTED : TINA SNOW

8. EFFECTS ON HUMAN HEALTH OR ENV. : NONE
9. CAUSE OF INCIDENT : RIVER FLOODING CAUSED BY SEVERAL DAYS  
OF HEAVY RAINS. NORMAL APRIL RAINFALL IS 3.06". WE HAVE HAD 4.84" DURING  
THE FIRST 13 DAYS OF APRIL .

10. CONTAINMENT/CLEANUP      INITIATED :  
COMPLETED :

11. CORRECTIVE ACTION TAKEN : PUMPS TO BE RESTARTED AS SOON AS  
RIVER DROPS BELOW DIKE. THE RIVER DROPPED BELOW THE 6A DIKE AT 2:15  
PM ON 04/14/94. THE TWO SUBMERGIBLE PUMPS WERE STARTED AND WORKED  
NORMALLY. THE THIRD PUMP WHICH IS NOT SUBMERGIBLE BUT WHICH HAD BEEN  
INUNDATED WILL BE CHECKED OVER BEFORE BEING PLACED IN STANDBY.

12. DATE LETTER SENT TO AGENCY : 04/14/94

13. DATE LETTER REC'D FROM AGENCY :  
DATE INCIDENT CLOSED :  
BY :

# Warren Township officials consider moving residents

■ Elsewhere, a portion of state Route 46 had to be closed, and firefighters had to return to WCI Steel today to keep water from stalling production.

## VINDICATOR STAFF REPORT

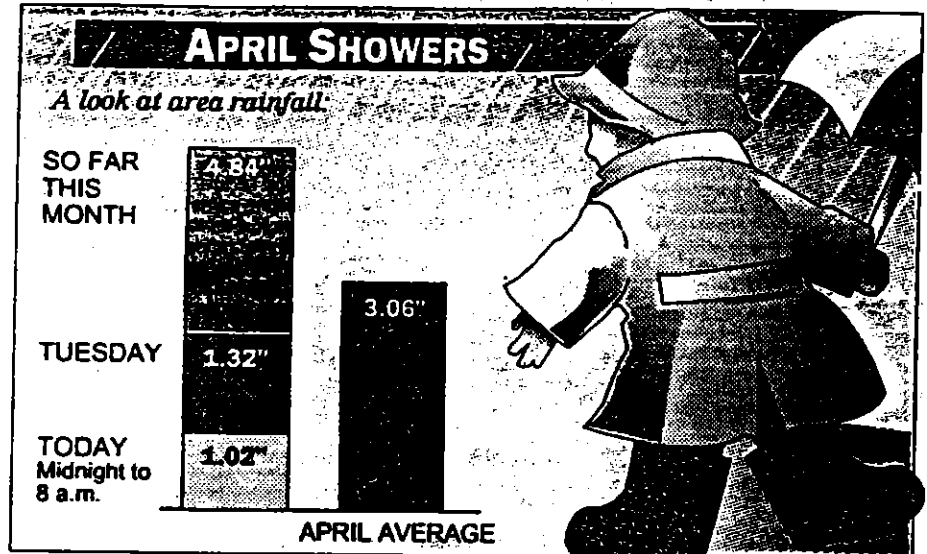
Warren Township officials were considering evacuations along the Mahoning River today.

Fire Chief Ralph Jones said Johnson Community Center would be used — if needed — as an evacuation point. Police Lt. Donald Bishop said the river overflowed along Lover's Lane, flooding it and Pangborn, Meadowbrook and Bishop.

The river was moving dangerously fast this morning, said Bishop, who noted that he watched a boat — still attached to a dock — float away.

**Route 46:** Elsewhere, the Ohio State Highway Patrol at Southington reported that state Route 46 had to be closed between McKees Road and Salt Springs Road. Meander Creek overflowed, causing the roadway to flood.

The Ohio Department of Transportation decided to close it Tuesday.



Source: National Weather Service, Youngstown-Warren Regional Airport

The Vindicator/Robert McFarren

**Howland:** Firefighters in Howland Township responded for the second straight day to help keep WCI Steel from shutting down.

Tuesday, firefighters began pumping water away from an electrical substation feeding power to Airco Industrial Gases, South Pine Avenue, which supplies oxygen and nitrogen to the steel plant.

After spending about 10 hours at Airco alleviating the problem Tuesday, firefighters had to return today because of the heavy rain overnight.

**Warren:** Street workers in Warren closed Pine Avenue and Fulton Street and were planning to evacuate some equipment from a storage shed in flooded Perkins Park.

Donley Road in Bloomfield and Mesopotamia townships was covered with water from the Grand River and was closed, a Trumbull County engineer's office spokesman said.

He said no county bridges have been washed out, but flooding has washed out numerous berms and caused minor damage to some culverts.





# WCI STEEL

April 8, 1994

Mr. Ermelindo Gomes  
Ohio Environmental Protection Agency  
Northeast District Office  
2110 East Aurora Road  
Twinsburg, Ohio 44087

Ohio Environmental  
Protection Agency  
Emergency Response  
P. O. Box 1049  
Columbus, Ohio 43266

Mr. Mark Horwitz (5HS-26)  
U.S. EPA, Region V  
230 South Dearborn Street  
Chicago, Illinois 60604

Trumbull County Emergency  
Response  
160 High Street  
Warren, Ohio 44481

Chief Ralph Jones  
Warren Township Fire Department  
4750 W. Market St.  
Leavittsburgh, Ohio 44485

Chief George Brown  
Howland Fire Department  
169 Niles-Cortland Road, NE  
Warren, Ohio 44484

Unauthorized Discharge and Sheen  
at WCI Steel, Inc. (WCI) BID00071007 Outfall

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Dear Sirs:

The attachment is the notification and description of an unauthorized discharge at WCI on April 6, 1994. Observation of the Mahoning River the morning of April 6, 1994, indicated there was not an oil sheen visible. At 1:30 PM Dick Gradishar was inspecting outfalls and noticed a light sheen coming from outfall 007. The Rolling and Finishing Department, which is responsible for outfall 007, was notified and instructed to inspect their processes and water sources to outfall 007 to find the source. Oil socks (booms) were procured and installed about six feet and nine feet out from the outfall to capture any free oil and polish most of the sheen from the water surface. A local vacuum truck operator was contacted and came with a four-man crew to man the booms and vacuum off any accumulations. Dick, after making sure the booms were manned, notified me about 2:15 PM of the situation. The individuals on the attachment were then notified.

At 3:15 PM, I accompanied Ken Laughlin of the Howland Fire Department to the outfall where a dense scum and turbid water were observed coming from outfall 007. A sample of the scum was taken and the remainder was vacuumed from behind the boom. A 1" x 6" x 12' board was imbedded in the bank and partially below the surface of the water to act as a weir and to direct the scum to the vacuum hose.

The rolling mill maintenance foremen came by to say they had checked all their sources and could not find a cause. The scum

Unauthorized Discharge

April 8, 1994

Page 2

sample was taken to the department superintendent's office and consultation revealed it to be soap scum which should have been going to the waste water treatment plant. The overflow from the contact water system, internal outfall 606 was inspected and found in the closed position but inundated with waste water and leaking.

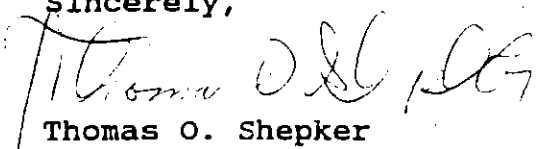
The No. 9 lift station which overflows to outfall 606 was inspected and found to be only partially functioning. The 2000 GPM pump which was energized was only pumping about 300 GPM and the second pump would not come on at all. The second pump was manually started and worked at its normal capacity. By the time outfall 606 was observed at 4:45 PM, approximately five minutes after the second pump was started, the water level was below it and the leakage had ceased. A Downpour between 3:00 PM and 5:00 PM exacerbated the situation. The booms were manned for another hour after the problem was corrected and left in place for another day.

The pumps were pulled on April 7, 1994 and the pump with the diminished flow was found to have a rag blocking the intake. The pump which had to be operated manually had a defective switch which was replaced. The high level indicator light was found to have a broken wire and, therefore, had not indicated that No. 9 lift station was about to overflow.

These problems have all been corrected and a third pump will be repaired and placed in standby. A work order to clean, inspect and repair the valve in internal outfall 606 has been written and the work is being scheduled.

If you need additional information or have any questions, please do not hesitate to call me at 216/841-8200.

Sincerely,

  
Thomas O. Shepker  
Manager  
Environmental Control

TOS:yt

Attachments

cc: M. Lantner

16  
**WCISTEEL**

VI

December 10, 1993

19

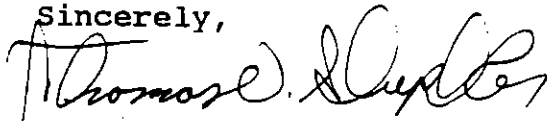
Mr. Ermelindo Gomes  
Ohio EPA, NEDO  
2110 East Aurora Road  
Twinsburg, Ohio 44087

Dear Mr. Gomes:

Enclosed please find the Unauthorized Discharge Report for the incident reported to you on December 9, 1993 by Richard J. Gradishar.

If you have any questions or need additional information, do not hesitate to call me at 216/841-8200.

Sincerely,

  
Thomas O. Shepker  
Manager  
Environmental Control

TOS:yt

Enclosure

1. DATE OF DISCHARGE : 12/09/93 TIME 1 : 2:30 PM  
2. SPILL REPORTED BY : R.C. GRADISHAR TIME 2 : 2:40 PM  
3. MATERIAL SPILLED : UNTREATED FINISHING MILL CONTACT WATER  
4. LOCATION OF SPILL : RISER BOX AROUND FINISHING MILL 36" SEWER MANHOLE  
5. WATERWAY AFFECTED : MAHONING RIVER DUTY NO.: NONE . IRBANK  
6. DISCHARGE QUANTITY : 20 GPM INTERMITTENT. TOTAL QUANTITY UNKNOWN  
7. AGENCY NOTIFICATIONS

OEPA EMER RESPONSE DATE :  
(800-282-9378) TIME :  
OEPA CONTACT :  
OEPA ID NO. :

NAT. RESP. CENTER DATE :  
(800-424-8802) TIME :  
NCR PERSON CONTACTED :  
NCR ID NO. :

OEPA REGIONAL OFFICE DATE : 12/09/93  
(216-425-9171) TIME : 3:30 PM  
OEPA PERSON CONTACTED : ERM GOMES by VOICE MAIL

TRUMBULL CO EMA/LEPC DATE :  
(216-675-2666) TIME :  
COUNTY PERSON CONTACTED :

8. EFFECTS ON HUMAN HEALTH OR ENV. : NONE

9. CAUSE OF INCIDENT : THE RISER BOX AROUND THE MANHOLE  
DEVELOPED A CRACK. WASTE WATER WHICH BUILDS UP IN THE RISER BOX AT TIMES DURING  
DISCHARGE FROM THE #9 LIFT STATION LEAKED THROUGH THE CRACK.

10. CONTAINMENT/CLEANUP INITIATED : 2:40 PM  
COMPLETED : 2:45 PM

11. CORRECTIVE ACTION TAKEN : SHUT DOWN #9 LIFT STATION PUMPS WHICH  
STOPPED THE FLOW OF WATER IN ABOUT 5 MINUTES. THE HANDYMEN WERE CALLED OUT AND  
BEGAN REPAIRS TO THE RISER BOX CRACK WITH WATER PLUG TYPE CEMENT AT 3:00 PM. THE  
REPAIRS WERE COMPLETED AT 4:00 PM AND THE #9 LIFT STATION PUMP RESTARTED. CHECKS  
FOR LEAKAGE INDICATED THAT THERE WERE NONE.

12/11/93 THE HANDYMEN ARE SCHEDULED  
TO INSTALL A FORM . 6" THICK AROUND THE RISER BOX AND POUR A NEW BOX AROUND THE  
OLD CONCRETE BLOCK RISER BOX.

12. DATE LETTER SENT TO AGENCY : 12/10/93

13. DATE LETTER REC'D FROM AGENCY :  
DATE INCIDENT CLOSED :  
BY :

# **WCI STEEL**

April 30, 1993

Ermelindo Gomes  
Ohio EPA Northeast District  
2110 East Aurora Road  
Twinsburg, OH 44087-1969

## **Intermittent Seepage Through 6A Pond Dike During Excavation and an Oil Sheen on Outfall 002 4/29/93**

---

Dear Mr. Gomes:

WCI Steel began an excavation project to insure capture of any seepage from 6 Pond the week of April 18, 1993. First the dike around 6A pond was built up with concrete pieces used as riprap along the river and slag and refractory material to reinforce the dike. The purpose of reinforcing and raising the dike was to further prevent the river from inundating 6A pond and to support a large backhoe to be used to dig a deep trench along the base of the dike for 6 pond, lower than river level to prevent the exfiltration of waste water to the river.

On Wednesday, April 21, 1993, a 20' section of 6A pond dike slid between three and four feet toward the river because of the weight of the backhoe. An oil boom was set up in case any oil should seep through this material. Additional concrete was placed in the low area created by the slip.

I inspected the area Wednesday and Thursday and did not see any seepage through the 6A dike. During an inspection on Friday, I noticed a 5 to 10 GPM flow below the surface of the river in the area where the bank had slid. It appeared to be intermittent, probably being influenced by the level in 6A pond.

We called the Waste Water Treatment Plant and asked them to lower the level in 6 pond from 60" to 45" to reduce the seepage from 6 pond to 6A pond and any subsequent leakage to the river. The CWWTP reduced the level of 6 pond to 48" on Sunday before a 2" rainfall started increasing the pond level. Because of the rain, the river level went up several feet, nearly to the top of the heightened 6A dike, obscuring the area where we had noted the leak.

Excavation of the base of 6 pond dike was accomplished the week of April 25, 1993. On Thursday, April 29, 1993 the river level dropped sufficiently and cleared so we could see the area where the leak was observed on April 23, 1993 and there was no seepage.

The 6A pond is now lower than the Mahoning River so that any seepage which could occur will be from the river to 6A pond.

WCI Steel, Incorporated  
1040 Pine Avenue, SE  
Warren, OH 44483-6528  
(216) 841-8000

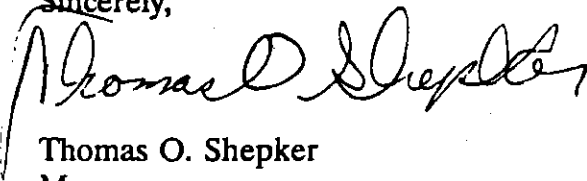
Ermelindo Gomes  
April 30, 1993  
Page 2

April 29, 1993 the sampler noted a sheen on outfall 002 during sampling. An investigation was begun immediately. The sheen increased and two booms were placed between the outfall and the Mahoning, eliminating the sheen. The investigation continued without finding a source. A local vacuum truck service was contacted and worked through the night cleaning up any oil sheen which accumulated behind the booms and your office was notified.

We believe the oil sheen originated from a break in a water line on April 24, 1993 and April 25, 1993 which dumped about a million gallons of water in the galvanize line basement submerging many gear boxes. The floor drains flow to our CWWTP but the basement may have overflowed to an outside catch basin which goes to outfall 002. The river was high from rains on April 24 and April 25 and it was April 29, 1993 before it was low enough to allow the oil to flow to the outfall. There is still a slight sheen as of April 30, 1993, which we continue to catch with the booms.

If you have any questions, please call me at (216) 841-8200.

Sincerely,



Thomas O. Shepker  
Manager  
Environmental Control

TOS:yt

c: M. Lantner  
P. Schillawski

16  
**WCI STEEL**

January 4, 1993

VI  
14.

Mr. Ermelindo Gomes  
Ohio EPA  
Northeast District Office  
2110 East Aurora Road  
Twinsburg, Ohio 44087

Dear Mr. Gomes:

WCI Steel, Inc., Warren Plant  
NPDES Permit 3ID00071\*AD  
Discharges from Outfall 009 and 601

In reference to our phone conversation of December 31, 1992, WCI Steel discharged water through outfalls 009 and a modified 601 because of an act of God (approximately 3" of rain from December 28 through December 31, 1992).

Because of excessive rains the last three days of 1992, the Blast Furnace recycle system was filled to capacity and a blowdown of 100 GPM was taken on December 31, 1992 from 7:50 AM to 10:10 AM. The Blast Furnace non-contact water pumps then failed and 601 was shut down from lack of pressure. A hose was run from the recycle surge tank and 27,000 gallons of water were discharged between 12:55 PM and 2:55 PM. the tank was refilled and 13,000 gallons was discharged between 3:00 PM and 4:00 PM to the same line where 601 discharges. A total of 54,000 gallons was discharged from 601. American Analytical Labs set up a sampler and monitored the discharge.

The excessive rain caused the #6 pond to reach 115" at 9:00 AM on December 31, 1992. The increased head pressure caused a weir plate weld to break at 9:00 AM allowing about 25 GPM to escape. Normally we would be able to capture this water and return it to the pond but the river was at flood stage. The rain had stopped in the morning and the pond level was:

115"	9:00 AM	12/31/92
114"	2:00 PM	12/31/92
105"	12:00 PM	12/31/92
102"	8:00 AM	01/01/93

By 8:00 AM on January 1, 1993 the flow was reduced to a trickle (less than 1 GPM). American Analytical set up an auto sampler and collected a composite sample during the discharge period along with samples from outfall 602. The weir will be repaired when the pond level can be sufficiently reduced to prevent reoccurrence.

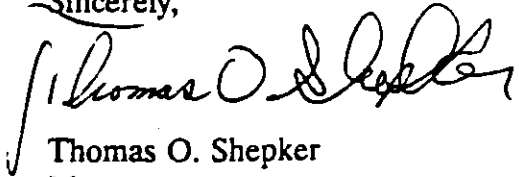
WCI Steel, Incorporated  
1040 Pine Avenue, SE  
Warren, OH 44483-6528  
(216) 841-8000

Mr. Ermelindo Gomes  
January 4, 1993  
Page 2

The analytical results will follow with the 500s for December.

If you have any questions please call me at (216) 841-8200.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas O. Shepker", written over a horizontal line.

Thomas O. Shepker  
Manager  
Environmental Control

cc: M. Lantner  
P. Schillawski  
R. Gradishar



# WCI STEEL

April 8, 1994

Mr. Ermelindo Gomes  
Ohio Environmental Protection Agency  
Northeast District Office  
2110 East Aurora Road  
Twinsburg, Ohio 44087

Ohio Environmental  
Protection Agency  
Emergency Response  
P. O. Box 1049  
Columbus, Ohio 43266

Mr. Mark Horwitz (5HS-26)  
U.S. EPA, Region V  
230 South Dearborn Street  
Chicago, Illinois 60604

Trumbull County Emergency  
Response  
160 High Street  
Warren, Ohio 44481

Chief Ralph Jones  
Warren Township Fire Department  
4750 W. Market St.  
Leavittsburg, Ohio 44485

Chief George Brown  
Howland Fire Department  
169 Niles-Cortland Road, NE  
Warren, Ohio 44484

## Unauthorized Discharge and Sheen at WCI Steel, Inc. (WCI) 3ID00071007 Outfall

Dear Sirs:

The attachment is the notification and description of an unauthorized discharge at WCI on April 6, 1994. Observation of the Mahoning River the morning of April 6, 1994, indicated there was not an oil sheen visible. At 1:30 PM Dick Gradishar was inspecting outfalls and noticed a light sheen coming from outfall 007. The Rolling and Finishing Department, which is responsible for outfall 007, was notified and instructed to inspect their processes and water sources to outfall 007 to find the source. Oil socks (booms) were procured and installed about six feet and nine feet out from the outfall to capture any free oil and polish most of the sheen from the water surface. A local vacuum truck operator was contacted and came with a four-man crew to man the booms and vacuum off any accumulations. Dick, after making sure the booms were manned, notified me about 2:15 PM of the situation. The individuals on the attachment were then notified.

At 3:15 PM, I accompanied Ken Laughlin of the Howland Fire Department to the outfall where a dense scum and turbid water were observed coming from outfall 007. A sample of the scum was taken and the remainder was vacuumed from behind the boom. A 1" x 6" x 12' board was imbedded in the bank and partially below the surface of the water to act as a weir and to direct the scum to the vacuum hose.

The rolling mill maintenance foremen came by to say they had checked all their sources and could not find a cause. The scum

Unauthorized Discharge  
April 8, 1994  
Page 2

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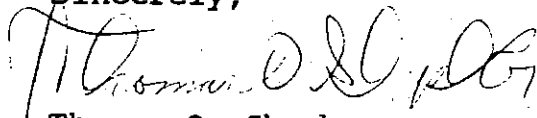
The No. 9 lift station which overflows to outfall 606 was inspected and found to be only partially functioning. The 2000 GPM pump which was energized was only pumping about 300 GPM and the second pump would not come on at all. The second pump was manually started and worked at its normal capacity. By the time outfall 606 was observed at 4:45 PM, approximately five minutes after the second pump was started, the water level was below it and the leakage had ceased. A Downpour between 3:00 PM and 5:00 PM exacerbated the situation. The booms were manned for another hour after the problem was corrected and left in place for another day.

The pumps were pulled on April 7, 1994 and the pump with the diminished flow was found to have a rag blocking the intake. The pump which had to be operated manually had a defective switch which was replaced. The high level indicator light was found to have a broken wire and, therefore, had not indicated that No. 9 lift station was about to overflow.

These problems have all been corrected and a third pump will be repaired and placed in standby. A work order to clean, inspect and repair the valve in internal outfall 606 has been written and the work is being scheduled.

If you need additional information or have any questions, please do not hesitate to call me at 216/841-8200.

Sincerely,

  
Thomas O. Shepker  
Manager  
Environmental Control

TOS:yt

Attachments

cc: M. Lantner

1. DATE OF DISCHARGE : 04/06/94 TIME 1 : 01:30 PM
2. SPILL REPORTED BY : T.O.SHEPKER TIME 2 : 04:45 PM
3. MATERIAL SPILLED : OIL SHEEN - UNTREATED FINISHING MILL WASTE WATER
4. LOCATION OF SPILL : #9 LIFT STATION, THRU INTERNAL OUTFALL 606 TO 007
5. WATERWAY AFFECTED : MAHONING RIVER OUTFALL NO.: 007
6. DISCHARGE QUANTITY : SURFACE SHEEN ON WATER AT RIVER-1,000 TO 3,000 GAL.  
OF UNTREATED FINISHING MILL WASTE WATER
7. AGENCY NOTIFICATIONS

OEPA EMER RESPONSE DATE : 04/06/94  
(800-282-9378) TIME : 02:25  
OEPA CONTACT : TODD TALOR  
OEPA ID NO. : 9404-78-1392

NAT. RESP. CENTER DATE : 04/06/94  
(800-424-8802) TIME : 2:30 PM  
NCR PERSON CONTACTED : PETTY OFFICER MAULDIN  
NCR ID NO. : 233599 WARREN FIRE DEPT.  
04/06/94

OEPA REGIONAL OFFICE DATE : 04/06/94 03:20 PM  
(216-425-9171) TIME : 2:20 PM CHIEF JONES IN AT  
OEPA PERSON CONTACTED : ERM GOMES P.MAIL 03:45 PM

TRUMBULL CO EMA/LEPC DATE : 04/06/94 HOWLAND FIRE DEPT.  
(216-675-2666) TIME : 03:40 04/06/94  
COUNTY PERSON CONTACTED : TINA SNOW 02:50 PM  
KEN LAUGHLIN IN

8. EFFECTS ON HUMAN HEALTH OR ENV. : NONE AT 03:15
9. CAUSE OF INCIDENT : TWO PUMPS FAILED AT #9 LIFT STATION.  
ONE PUMP WAS NOT WORKING AT ALL AND THE SECOND WAS ONLY PUMPING AT ABOUT  
300 GPM INSTEAD OF ITS RATED 2000 GPM. THE LIFT STATION FILLED AND  
OVERFLOWED THROUGH #5 MANHOLE INTERNAL OUTFALL 606, WHICH WAS CHAINED  
AND PADLOCKED SHUT. THE VALVE OR REFRACTORIES AROUND THE VALVE LEAKED.  
THE RED, HIGH LEVEL INDICATOR LIGHT AT #9 LIFT STATION HAD A BROKEN WIRE.

10. CONTAINMENT/CLEANUP INITIATED : 01:40 PM  
COMPLETED : 05:30 PM

11. CORRECTIVE ACTION TAKEN : ABSORBENT SOCKS WERE PLACED ACROSS  
THE OUTFALL IN TWO BANDS ALONG WITH A BOARD TO ACT AS AN UNDERFLOW WIER  
AND DIRECT ANY OIL TO ONE POINT. A VACUUM TRUCK WAS STATIONED AT OUTFALL  
007 AND REMOVED THE OIL AS IT ACCUMULATED. A UTILITIES PERSON WAS ON DUTY  
AT #9 LIFT STATION UNTIL THE PUMPS AND HIGH LEVEL LIGHT ARE REPAIRED. THE  
ELECTRICS FOR THE SYSTEM WILL BE INSPECTED AND REPAIRED OR REPLACED IF  
NECESSARY. THE #5 MANHOLE VALVE WILL BE INSPECTED, THE LOCATION OF THE  
LEAK DETERMINED, AND ALL NECESSARY REPAIRS MADE.

12. DATE LETTER SENT TO AGENCY : 04/08/94

13. DATE LETTER REC'D FROM AGENCY :  
DATE INCIDENT CLOSED :  
BY

007774





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

APR 01 1994

REPLY TO THE ATTENTION OF:

HRE-8J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

James Stack, President  
WCI Steel, Inc.  
1040 East Pine Avenue, S.E.  
Warren, Ohio 44483-6528

Re: RCRA Section 3007 and  
CERCLA Section 104(e)  
Information Request  
WCI Steel, Inc.  
Warren, Ohio  
OHD 060 409 521

Dear Mr. Stack:

This is a request for information by the United States Environmental Protection Agency ("U.S. EPA") pursuant to its authority under Section 3007 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §6927 and Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), 42 U.S.C. §9604(e), ("Information Request").

The information requested is intended to assist U.S. EPA's review of the WCI Steel, Inc. ("WCI") located at 1040 East Pine Ave, S.E., Warren, Ohio 44483-6528 ("the Facility") in order to determine its compliance status with applicable hazardous waste regulations.

This Information Request concerns WCI's compliance status with RCRA, and the ability of WCI and/or other responsible entities connected with the Facility to: fund financial instruments to assure the facility's compliance with financial responsibility requirements of RCRA; perform closure/post-closure care of the Facility; and pay any penalties which may be imposed.

Pursuant to the authority of Section 3007 of RCRA, and Section 104(e) of CERCLA, you are hereby requested to respond to the Information Request set forth herein.

The information requested herein must be provided to this office within fourteen (14) days of receipt of this letter. The information is required to be submitted notwithstanding its possible characterization as confidential. In that regard you may, under 40 C.F.R. §2.203(a), assert a business confidentiality claim covering all or part of the information provided in the manner described in 40 C.F.R. §2.203(b). Information covered by such a claim will be disclosed by U.S. EPA only to the extent and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. Any request for confidentiality must be made when the information is submitted, since any information not so identified may be made available to the public without further notice.

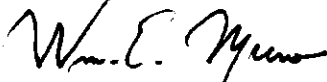
Any documents submitted to U.S. EPA pursuant to this Information Request should be certified as true and authentic to the best of the signatory's knowledge or belief. The written statements provided pursuant to this Information Request must be notarized and submitted under an authorized signature certifying that all matters contained therein are true and accurate pursuant to 40 C.F.R. §270.11 to the best of the signatory's knowledge and belief.

Compliance with this Information Request set forth herein is mandatory. Should the signatory find, at any time after the submittal of the requested information, that any portion of the submitted information is false, the signatory will notify U.S. EPA, Region 5, promptly. If any answer certified as true should be found to be untrue or misleading, the signatory can and may be prosecuted pursuant to 18 U.S.C. §1001 or Section 3008(d) of RCRA. U.S. EPA has the authority to use the information requested herein in an administrative, civil, or criminal action. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501, et seq.

Please direct any questions regarding this Information Request to Sheri L. Bianchin, RCRA Enforcement Branch, (312) 886-4446. If you have legal questions please contact Nicole Cantello, Office of Regional Counsel, at (312) 886-2870.

Your response should be sent to the United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604, Attention: Sheri L. Bianchin, HRE-8J.

Sincerely yours,



William E. Muno, Director  
Waste Management Division  
U.S. Environmental Protection Agency

Enclosure

cc: John Schierberl, OEPA-CO  
Kelly Smith, OEPA-CO  
Thomas Shepker, Manager, WCI, Inc.

bcc: Nicole Cantello, Esq., ORC  
~~Thomas Shepker, Esq., ORC~~  
Leslie Lehnert, DOJ  
Murray Lanter, WD





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

IN THE MATTER OF:

WCI STEEL, INC.  
1040 PINE AVE., S.E.  
WARREN, OHIO 44626

EPA I.D. NO.: OHD 060 409 521

INFORMATION REQUEST  
PURSUANT TO SECTION 3007  
OF RCRA, AS AMENDED,  
42 U.S.C. §6927(a), AND  
SECTION 104(e) of CERCLA,  
42 U.S.C. §9604(e)

This is a formal request by the United States Environmental Protection Agency (U.S. EPA) pursuant to Section 3007 of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. §6927 and Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. §9604(e), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. Law 99-499, 100 Stat. 1613 (1986)(SARA). The issuance of this request serves to require WCI Steel, Inc. ("Respondent") to submit information relating to the generation, storage, treatment, and disposal of solid wastes, hazardous wastes and hazardous substances at its Facility located at 1040 Pine Ave., S.E., Warren, Ohio 44483-6528 and is for the purpose of enforcing the provisions of RCRA and CERCLA. This request also requires Respondent to submit financial information which is necessary for U.S. EPA to evaluate the ability of persons associated with the Facility to fund financial instruments to assure the Facility's compliance with the financial responsibility requirements of RCRA, to perform closure/post-closure care of the Facility, and to pay any penalties which may be imposed. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, et seq. U.S. EPA has

the authority to use the information requested herein in an administrative, civil, or criminal action.

I. INSTRUCTIONS

**COMPLIANCE WITH THE FOLLOWING INSTRUCTIONS IS MANDATORY**

1. This request for information pertains to any and all information you may have regarding Respondent's past and current management of hazardous waste and hazardous substances at the WCI Steel, Inc. Facility located at 1040 East Pine Ave., S.E., Warren, Ohio 44483 ("the Facility"). Additionally, this Information Request pertains to Respondent's financial information as it relates to RCRA and CERCLA.
2. A separate written response must be made to each and every request or question contained in this Information Request. In the event one or more of the requests or questions are not applicable, or in the event that no information is available which is responsive to any request, simply respond to that request by stating "Not applicable" or "No information".
3. In answering this Information Request, identify all correspondence and your Response to this request with the caption "WCI Steel, Inc." and precede each paragraph of your response with the same paragraph number as appears in the Request.
4. In answering this Information Request, identify all contributing sources of information, including the identification of the person(s) answering the request on your behalf.

5. In answering this Information Request, a reasonably prudent inquiry is required to be conducted before furnishing information to this request which includes: interviewing all existing or former employees, managers or independent contractors who have or may have knowledge about any of the information sought herein, obtaining and examining copies of records and documents, diligently ascertaining facts or data, resolving discrepancies discovered during such tasks and undertaking other reasonable inquiries.

6. Respondent must respond to the Information Request on the basis of all information and documents in your possession, custody or control, or in the possession, custody or control of Respondent's former or current employees, agents, servants, contractors, or attorneys. Furnish such information as is available to Respondent, regardless of whether or not it is based on personal knowledge and regardless of source. To the extent that any information provided relating to the requests is based on the personal knowledge of Respondent's employees, agents, or other representatives, this information shall be in the form of a notarized affidavit.

7. If any information called for herein is not available or accessible in the full detail requested, this document shall be deemed to call for the best information available. The request also requires the production of all information called for in as detailed a manner as possible based upon such information as is available or accessible, including, where specific information is not available, an estimate and a detailed explanation of the method by which each estimate or response is made.

8. When answering this Information Request, Respondent is required to furnish the name of each and every person who Respondent consulted, conversed with or

communicated with seeking information or assistance in responding to this request, and contributed information, data or records.

9. If Respondent is aware that any documents requested herein have been transferred voluntarily or involuntarily to others or have been otherwise disposed of, in lieu of furnishing the documentation, identify the documents, the person to whom it was transferred, describe the circumstances surrounding such transfer or other disposition, and state the date or approximate date of such transfer or other disposition.

10. Your response must conclude with your signed statement under oath which is included in Request #VIII contained herein. The written statements submitted pursuant to this request must be notarized and returned under an authorized signature certifying that all statements contained therein are true and accurate to the best of the signatory's knowledge and belief. Should the signatory find at any time after submittal of the requested information that any portion of this submittal certified as true is false or misleading, the signatory will promptly notify U.S. EPA. If any information submitted under this information request is found to be untrue or misleading, the signatory can be prosecuted under §Section 1001 of Title 18 of the United States Code. U.S. EPA has the authority to use the information requested herein in an administrative, civil, or criminal action.

11. If information or documentation is not initially known on the date of submittal of the response but subsequently becomes available to Respondent, or in the event that Respondent later ascertains that the submitted response, or any portion hereof, is erroneous, incomplete or inadequate, within fourteen

(14) days thereafter Respondent is obligated to furnish the appropriate response or supplement that which had been initially furnished or to otherwise notify U.S. EPA thereof.

12. Respondent's response should be also accompanied by an authorized affidavit from a responsible company official or representative stating that a diligent record search has been completed and there has been a diligent interviewing process with present and former employees who may have knowledge of the operations relating to solid waste, hazardous waste and hazardous substances processed at the Facility, and the financial information relating to Respondent. \_

13. The information must be provided notwithstanding its possible characterization as confidential information or trade secrets. You are entitled to assert a claim of confidentiality pursuant to Section 3007(b) of RCRA, 42 U.S.C. §6927(b) and 40 C.F.R. Part 2.203(b) for any information produced that, if disclosed to persons other than officers, employees, or duly authorized representatives of the United States, would divulge information entitled to protection as trade secrets. Any information which the Administrator of this Agency determines to constitute methods, processes or other business information entitled to protection as trade secrets will be maintained as confidential pursuant to the procedures set forth in 40 C.F.R. Part 2. A request for confidential treatment must be made when information is provided since any information not so identified will not be accorded this protection by the Agency. Any such confidentiality request must specifically indicate which items, documents, and/or information are claimed as

confidential, and must provide a detailed explanation supporting specifically each indicated item, document, and/or information.

14. The information requested herein must be provided to this office within fourteen (14) days of receipt of this request. Respondent's response should be sent to the United States Environmental Protection Agency, RCRA Enforcement Branch, 77 West Jackson, Chicago, Illinois 60604, Attention: Sheri L. Bianchin, HRE-8J.

## II. DEFINITIONS

For the purpose of the Instructions and Requests for Information set forth herein, the following definitions shall apply:

1. The term "you", "your", or "Respondent" shall mean the addressee of the Information Request, the addressee's company, the addressee's officers, managers, employees, contractors, trustees, any and all predecessors, any and all successors, assigns, subsidiaries, and agents.
2. As used here, "document" and "documents" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (including by the way of illustration and not by way of limitation), any invoice, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements, and the like, diary, calendar, desk pad, scrap book, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intra-office communications, photostat or other copy of any documents, microfilm or

other film record, any photograph, sound recording on any type of device, any punch card, disc, or disc pack; and any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc or disc pack, tape or other type of memory and together with printouts of such punch card, disc or disc pack, video tape or other type of memory); including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any documents and (e) every document referred to in any other document.

3. "The Facility" shall mean and include the entire property on which WCI Steel, Inc. is located at 1040 Pine Ave., S.E., Warren, Ohio 44483-6528.

"Facility" is defined as all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them), as defined in 40 C.F.R. Part 260.10.

4. "EPA Hazardous Waste Number K062" as defined in 40 C.F.R. Part 261.32 means spent pickle liquor generated by steel finishing operations within the iron and steel industry.

5. "EPA Hazardous Waste Number D002" as defined in 40 C.F.R. Part 261.32 means a solid waste that exhibits the characteristic of corrosivity.

6. "EPA Hazardous Waste Number D006" as defined in 40 C.F.R. Part 261.32 means a solid waste that exhibits the toxicity characteristic for cadmium.

7. "EPA Hazardous Waste Number D007" as defined in 40 C.F.R. Part 261.32 means a solid waste that exhibits the toxicity characteristic for chromium.

8. "EPA Hazardous Waste Number D008" as defined in 40 C.F.R. Part 261.32 means a solid waste that exhibits the toxicity characteristic for lead.

9. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, including mixtures of hazardous substances with other substances including petroleum products.

10. The term "hazardous waste" shall mean a hazardous waste as defined by 40 C.F.R. Part 261.3.

11. The term "hazardous constituents" are those substances listed in Appendix VIII to 40 C.F.R. Part 261 and Appendix IX to 40 C.F.R. Part 264.

12. The terms "furnish", "describe", or "indicate" shall mean turning over to U.S. EPA either original or duplicate copies of the requested information in the possession, custody, or control of the Respondent. Where specific information has not been memorialized in any document but is nonetheless responsive to an information request, you must fully respond to the request with a written response. If such requested information is not in your possession, custody, or control then indicate where such information or documents may be obtained.

13. The term "identify" means, with respect to a natural person, to set forth his full name, present or last known business address, the name of that employer and a description of the job responsibilities of such person.



14. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form (e.g. corporation, partnership, etc.) organization, if any, and a brief description of its business.

15. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance of the subject matter.

16. The term "person" as used herein includes, in the plural as well as the singular, any natural person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise.

17. The term "pH" as used herein shall mean the negative log of the hydrogen ion concentration, as determined by a pH meter using either an EPA test method or an equivalent test method approved by the Administrator.

18. The term "pond system" used herein shall mean ponds 5, 6, 6A and the south ditch.

19. The term "pollutant" or "contaminant" shall have the same definition as that contained in Section 101(33) of CERCLA.

20. "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment any hazardous waste, hazardous constituent, hazardous

into the environment any hazardous waste, hazardous constituent, hazardous substances, or pollutants or contaminants.

21. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these Information Requests any information which might otherwise be construed to be outside their scope.

22. As used here, "state the location" shall mean provide the most current address and telephone number of the person or thing to whom or which reference is made.

23. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in RCRA, 40 C.F.R. Part 300 or 40 C.F.R. Parts 260-280, in which case the statutory or regulatory definitions shall apply.

24. "Solid wastes" shall have the meaning provided in 40 C.F.R. Part 261.2.

### III. REQUEST FOR ANSWERS AND THE PRODUCTION OF DOCUMENTS-GENERAL INFORMATION.

1. Identify all persons consulted in the preparation of the answers to this Information Request.

2. Identify all documents consulted, examined, or referred to in the preparation of the answers to this Information Request.

3. If you have reason to believe that there may be a person or persons able to provide a more detailed or complete response to any Information Requests or who may be able to provide additional responsive documents, identify such.

IV. REQUEST FOR ANSWERS AND THE PRODUCTION OF DOCUMENTS RELATING TO FINANCIAL INFORMATION AND LIABILITY.

1. Fully describe the current corporate and operational status of WCI Steel, Inc. Furnish copies of all related documents.
2. For Respondent, if not already provide in Question 1 above, furnish copies of any and all financing statements, profit and loss statements and balance sheets supplied by you during the last three years to any commercial bank, factor credit company, supplier or any other lender identifying the name, address and phone number of the person who received such information for analysis for the benefit of such concerns.
3. If not already provide in Question 1 above, and if Respondent is a Corporation, respond to the following requests:
  - a) Provide a copy of the Articles of Incorporation and By-Laws of the Respondent;
  - b) Provide Respondent's financial statements for the past five fiscal years, including, but not limited to those filed with the Internal Revenue Service;
  - c) Identify all of Respondent's current assets and liabilities and the person who currently own or are responsible for such assets and liabilities; and
  - d) Provide a copy of each document recording the occurrences or minutes of each corporate board meeting for the past five years.
4. If Respondent is a Partnership provide the following:
  - a) Copies of the Partnership Agreement; and
  - b) Identify each partner.

5. If Respondent is a Trust provide the following:

- a) All relevant agreements and documents to support this claim;
- b) Identify the trust;
- c) Identify all beneficiaries of the trust; and
- d) Provide all financial statements for the past five fiscal years.

6. If not already provided in the responses to the above questions, furnish copies of all income tax returns and filings Respondent has submitted to the United States Government for the years 1988, 1989, 1990, 1991, 1992, and 1993 (as soon as it becomes available).

7. Identify, describe and state the value of any and all things of value regardless of form or location (including, but not limited to, all assets, stocks, securities, bonds, real estate, personal property, intellectual property, bank accounts, certificates of deposit, other investments or investment instruments, trusts, regardless of in whose name legal title is held, powers of appointment, and any other powers, rights, interests and things of any value) in excess of ten thousand United States dollars (\$10,000) in which Respondent has any right or any interest (ownership or otherwise), direct or indirect, or which is held by any person for the benefit of Respondent. Where relevant, to calculate present values of future distributions, use an interest rate of three (3) percent compounded on an annual basis. Identify, describe and state the location of all things of value identified.

8. Identify all liability insurance policies held by Respondent from 1980 to the present. In identifying such policies, state the name and address of each insurer and of the insured, the amount of coverage under each policy, the commencement and expiration dates for each policy, whether or not the policy

contains a "pollution exclusion" clause, and whether the policy covers or excludes sudden, non-sudden or both types of accidents. In lieu of providing this information, you may submit complete copies of all relevant insurance policies.

9. Identify and provide copies of all applications made by Respondent to insurance companies in order to obtain liability insurance required by Federal and State regulations (40 C.F.R. Part 265.147 and OAC 3745-66-47).

10. For all applications mentioned in #9 above, describe all efforts made by Respondent to meet any preconditions to eligibility for insurance.

11. State the most recent estimated cost for the closure of the RCRA regulated units, and provide a copy of the closure plan for each regulated unit.

12. State the amount of money available in an approved financial instrument/mechanism to fund the closure described in Paragraph #11 above.

V. REQUEST FOR ANSWERS AND THE PRODUCTION OF DOCUMENTS RELATING TO THE HAZARDOUS WASTE OPERATIONS.

1. Since 1980, identify and produce all information regarding the amount and type of solid waste generated, stored, treated, and disposed at the facility. Provide documentation of any waste analyses performed on the wastes and any manifests or other documents which accompanied shipments of these wastes.

2. Identify and produce all information and documents regarding whether Respondent has ever notified either the U.S. EPA or the Ohio Environmental Protection Agency (OEPA) of its hazardous waste activity relating to operation of the pond system.

3. Identify and produce any permits or licenses for the facility for management (including generation, storage, treatment, transportation and disposal) of solid or hazardous waste.
4. Identify and produce any National Pollutant Discharge Elimination System (NPDES) permits including permit limitations.

VI. REQUEST FOR ANSWERS AND THE PRODUCTION OF DOCUMENTS RELATING TO THE OPERATION OF POND SYSTEM.

1. Describe the purpose of the pond system operated by Respondent and provide the dates that the pond system was operated. Provide a document (map or drawing to scale) depicting the pond system and/or the facility including the pond system.
2. Discuss whether hazardous wastes were ever discharged into the pond system. If so, state dates, describe wastes (i.e., physical and chemical properties), and provide any supporting analytical data.
3. Describe when and why pond 6-A and the south ditch were constructed.
4. Describe the solid wastes that are discharged into the pond system. Specifically describe the types of waste, the source of the waste, the physical nature and chemical constituents of the waste and provide analytical results to support this answer.
5. If not already described in the responses to the above questions, discuss whether any solid wastes with a pH of less than or equal to 2.0 were discharged into the pond system. If so, state dates and provide documentation, including Wastewater Treatment Plant (WWTP) logs, since 1980 where pH was equal to or less than 2.0.

6. If not already described in the responses to the above questions, discuss whether any solid wastes containing or mixed with EPA hazardous waste number K062, D002, D006, D007, or D008 were discharged into the pond system. If so, state dates and provide documentation.
7. Discuss whether any additional pH adjustment equipment or other equipment is planned to be added to treat wastewater prior to the pond system or to replace the pond system.
8. State the most recent estimated cost for closure of the pond system.
9. State the most recent estimated cost for replacement of the pond system with another type of system (such as a tank system).
10. Discuss whether spent pickle liquor including pickle liquor rinse water has ever been discharged through a NPDES outfall without treatment from the wastewater treatment plant. If so, state the dates of discharge, discuss whether this practice continues, provide physical nature and chemical composition of the waste, and provide any documentation.
11. Discuss whether any spent pickle liquor was ever discharged through any outfall without prior treatment in the wastewater treatment plant. If so, state dates, and discuss the physical nature and chemical composition of these wastes, and provide documentation. Specifically discuss the pickle rinse water sewer system including the sewer to outfall 017.
12. Discuss whether any unpermitted solid wastes were ever discharged through NPDES outfall. Specifically discuss whether any low pH (i.e., less than or equal to 2.0) wastewater was discharged via NPDES outfall 017, and provide documentation.

13. Describe all sources of each solid waste that feed or are discharged into the pond system.

14. Describe whether solid wastes contained in the pond system have ever been released, by overflow or other means, into the Mahoning River without a permit. If so, state dates of events, types (i.e., physical nature and chemical composition) of materials released, and any action taken by Respondent to alleviate the situation and prevent further occurrence.

15. Describe all sources of each solid waste that feed or are discharged into the wastewater treatment plant.

16. Describe the acid regeneration process. Describe and produce all documents related to influent and effluent streams relating to the acid regeneration process, including the sources of the stream and any analytical results.

VII. REQUEST FOR ANSWERS AND THE PRODUCTION OF DOCUMENTS RELATING TO THE OPERATION OF HOT STRIP MILL.

1. Describe the hot strip mill process operated by Respondent including the dates that the hot strip mill was operated. Provide a document (map, drawing to scale, or flow diagram) depicting the hot strip mill process.


2. Discuss whether hazardous wastes were ever discharged into the hot strip mill lagoons and pits. If so, state dates, describe wastes (i.e., physical nature and chemical properties), and provide any supporting analytical data.



VIII. CERTIFICATION BY COMPANY OFFICER

Provide the following notarized certification by a responsible Company Officer for WCI Steel, Inc.: "I certify under the penalty of law that I have personally examined and am familiar with the Information Request and request for documents. Based on my review of all relevant documents and inquiry of those individuals immediately responsible for providing all relevant information and documents, I believe that the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

Issued this 1<sup>st</sup> day of April, 1994.

  
William E. Muno, Director  
Waste Management Division  
U.S. Environmental Protection Agency

CERTIFICATION OF NOTARY

UNITED STATES OF AMERICA)  
STATE OF OHIO)  
COUNTY OF \_\_\_\_\_)

On this day \_\_\_\_ of \_\_\_\_\_, 1994, in \_\_\_\_\_, Ohio, there appeared before me, the undersigned Notary, \_\_\_\_\_, and s/he acknowledged that s/he signed the foregoing Certification of Company Officer as a free and voluntary act and deed. GIVEN under my hand and official seal the day and year stated above.

\_\_\_\_\_  
NOTARY PUBLIC  
in and for the State of Ohio,  
\_\_\_\_\_

Commission Expires \_\_\_\_\_

When certified, please return to:

Ms. Sheri L. Bianchin  
U.S. EPA, Region V  
Office of RCRA Enforcement (HRE-8J)  
77 W. Jackson  
Chicago, Illinois 60604

**RECEIVED**

APR 05 1994

U.S. EPA Region 5  
Chief of Regional Counsel

**WCI STEEL, INC.  
WARREN, OHIO**

**MINUTES OF MEETING**

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**DATE:** February 18, 1994  
**PLACE:** R.E. Warner & Associates  
Westlake, Ohio  
**SUBJECT:** Wastewater Segregation  
Project Status Meeting  
REW Job No. F64493  
Minutes of Meeting No. 4  
**PRESENT:** WCI STEEL, INC. (WCI)

Ray Zeuner  
Joe Magni  
Ed Keifer

**R. E. WARNER & ASSOCIATES (REW)**

Wade Blackburn  
Frank Wedell  
Gary Yohn  
Deborah Szin  
John Goudresult

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The purpose of this meeting was to review the progress of this project since our last meeting which was held on February 4, 1994. The following items were discussed:

1. WCI will provide installation engineering details for the following additional sumps that were not included in REW's original proposal.
  - SU-120 Baghouse Sump
  - SU-150 South Galvanizing Line Sump
  - SU-190 Pickle Line Lab Sink
  - SU-170 Pickle Line Roll Shop Sump
2. REW was informed that SU-200 Tractor Shop Oil Tank Sump would not be pumped into the force main. WCI is to handle the details of this sump.

WCI-R 003843

**WCI STEEL, INC.**  
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3. REW was informed that the (2) two existing 53" Slitter Sumps and the (1) one existing 53" Banding Line sump, each 20 GPM steam siphons, will be pumped into the 52" Slitter Sump. Modifications to the three (3) sumps to allow discharging into the 52" Slitter Sump are by WCI. The wastewater from the 52" Slitter Sump will be pumped into the force main to the Pretreatment Plant. REW will modify P&IDs to reflect this new information.
4. REW scope of work for 42" Tandem Mill changed as follows:  

<b>Original:</b>	Existing sump, replace existing pumps.
<b>New:</b>	Use existing pumps where pumps discharge line goes through wall into sewer, REW is to cut the line near the wall, cap the end of the pipe and show a line tapped into the existing line that would be routed along the basement walls and then tie into the main header. WCI is to throttle the existing pumps as required to set the flow rate.
5. REW is to show all sumps (new, existing and future) on General Arrangement Drawings, drawing index list and P&ID's.
6. REW requested the flow rate for the Baghouse sump. WCI indicated that REW is to determine the flow rate based on a 10 year storm event. WCI will install a perimeter curb/dike around existing Baghouse with a sump and pumps for material spillage and stormwater. WCI is to supply area, REW will determine flow rate and incorporate this flow rate into the main header pipe sizing.
7. The No. 6 Pickle Line Looping Pit Sumps is actually located as shown on WCI Drawing 23380 and is not located near the No. 5 scale pit. REW is to put in new sump and pumps near existing manhole and route pump discharge piping along the west wall of the No. 6 Pickle Line and connect it to the main header, as opposed to routing the discharging piping into the No. 5 Scale Pit as previously planned.
8. A new sump and sump pump are to be provided at the acid regeneration area. The sump will be located inside the curbed/diked area and the pump discharge piping is to be connected to the existing 3" pipe along the fence. The location of the new sump will be determined by WCI and included on REW's General Arrangement drawings.

Pipe from Acid Regeneration Plant sump will be supported by existing bridges/supports to the east to connect into wastewater header inside No. 6 Pickle Line.

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9. The 52" Temper Mill will receive (1) one new pump which will be installed in the existing sump. The pump capacity is to be 220 gpm.
10. WCI informed REW of the following flow rates:
  - A. 52" Shear Sump flow rate to be 150 gpm.
  - B. 52" Slitter Sump flow rate to be 50-60 gpm.
  - C. Cold Mill Roll Shop flow rate to be 20 gpm.
11. REW stated that a preliminary profile of the piping indicated that the Baghouse sump may be a point for draining portions of the main header. The new Baghouse sump could be sized for both draining the main header and stormwater. WCI to approve whether header will be drained at this point.
12. REW informed WCI that the preliminary elevation of the 2 main headers inside the storage transfer building would be approximately 34' above the mill floor and above existing trusses. This would be the high point of both headers and would allow these lines to gravity drain to the settling tanks. Field work to confirm the final elevations will be conducted the week of February 21, 1994.
13. REW noted that the Hot Strip Finishing building with the 52" Temper Mill is a high bay with the bottom of the existing truss steel located approximately 34' above the mill floor.
14. WCI supplied REW with a sketch of the Truck Dumping Station. WCI estimated that approximately 10 truckloads/day would be dumped at the station. Each truck would hold approximately 1,500 gallons of waste water/oil. At 15,000 gallons per day it was estimated that the Truck Dump Station sump pumps should be sized at 100 gpm. REW to verify feasibility of this estimate.

The pumps located in the truck dump station are to be constant speed submersible pumps, as per WCI specifications.

The Truck Dump Station concrete approach apron is to be heated.

Flood lighting is required at the truck unloading station. Both sides of the ramp need to be lit. The lighting fixtures will be mounted approximately 5' above the top of the sump sidewalls.

The Truck Dump Station is to be located at the northeast corner of No. 5 Pond.

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Reviewed sketch of Truck Dumping Station made by WCI. Approach slab is to have 6" high curbing on sides with corrugated sheeting walls on top of curb. Areas around truck unloading station will be asphalt paved by WCI in the future. End wheel stop is to be 12" high (6" lower than LTV).

WCI would like remote I/O back to the PLC in the Pretreatment Plant from the Truck Dump water station sump starters. They are to be on/off only.

15. WCI requested that REW obtain specifications and pricing for an oil/water separator sized for a 100-200 gpm flow rate. REW to contact vendors.

WCI raised a question as to whether or not a second sump after the oil/water separator was necessary. REW informed WCI that the oil/water separator units are gravity flow units and that the underflow (water stream) from the separator would need to be pumped into the main header. Therefore, elimination of the second sump is not possible.

WCI requested that REW investigate the maximum oil content of the wastewater which is pumped into the oil separator, and how much the underflow from the oil/water separator deteriorates at the maximum oil content. REW to contact appropriate WCI personnel to attain wastewater samples at the Mobile Equipment Area, Machine Shop and Locomotive Repair Shop and Truck Dump Station to determine oil content of these streams.

WCI asked whether or not there was some sort of oil detection system which could be installed at the Truck Dump Station (as well as, the mobile equipment) oil/water separator to detect if oil is in the oil/water separator effluent. REW to investigate.

16. WCI stated that the Machine Shop Sump wastewater is pumped to the Locomotive Repair Shop sump before being pumped into the main header. REW to modify P & ID's to reflect this additional information.

WCI requested that the oil/water separator system located at the machine shop and locomotive repair shop be eliminated and to send the wastewater from these operations directly to the truck dump station for separation instead. REW to look into how this would effect the truck dump station as presently sized by WCI.

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17. The piping at the pretreatment plant has been altered in the following ways:

- A. The centrifugal emergency overflow tank pumps (P-2003A/P-2003B) will be replaced by submersible sump pumps.
- B. Only one settling tank (T-2001) will overflow to the emergency overflow tank.
- C. The (2) two settling tanks will have a connecting line to allow equalized flow between the two tanks.
- D. The oil/water and acid/water will be separate lines from their respective sources to the Pretreatment Plant Settling/Equalization tanks. These two headers will not converge at any point upstream of the Settling/Equalization tanks due to the varying materials of construction.
- E. Wastewater pumped from the emergency overflow tank will only be pumped back to (1) one settling tank (T-2001).

WCI would like redundant level sensors in the settling tanks for low level shutdown of the pumps.

WCI would like REW to show the flow element from the settling tank pumps to the Central Treatment Plant on sheet 7 of the P & ID's.

It was determined that the minimum temperature in the Pretreatment Plant Pump House will be 45° in the pump room and 60° in the electrical room. Air conditioning for the electrical room will be necessary during the summer.

WCI comments on the Pretreatment Plant arrangement on SK-64493-PTP1 are as follows:

- A. WCI stated that piling beneath the 30' diameter overflow tank will not be possible. The 72" diameter R.C.P. sewer below the tank is sleeved with a 36" diameter PVC pipe and the void between the pipes is filled with concrete. WCI feels that the risk of damaging the sewer, or a sewer leak (that could cause settlement due to over consolidation of soil layers below) is minimal. REW to design a tank foundation using a maximum design bearing capacity of 800 - 1000 lbs/ft.

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- B. WCI wants the two 55' diameter settling tanks, the 13' diameter oil tank and the oil skimming equipment access platform all on a common concrete pad foundation. An 8" x 8" tall dike will be constructed around all of the tanks at the Pretreatment Plant except at the roadway where it will be 1'-6" high x 1'-0" wide. There will be approximately 4' of clearance between the 55' diameter tanks.

Note: 55' diameter were found to extend to far into the roadway.

- C. REW strongly recommends that a soil boring (50' deep minimum) be taken at the pretreatment plant site by a qualified geotechnical engineer who will submit a complete soils report including boring logs, maximum allowable bearing capacity, and the estimated consolidation settlement of the tank pad which would be approximately 72' wide x 122' long with a bearing pressure of approximately 1500 lbs/ft.

WCI will review records for previous borings in the area.

- D. The Decant Water Sump (from the 13' diameter oil tank) is to be located inside the Pump House.
- E. The Pump House will contain seven pumps including one future treatment plant transfer pump and an enclosed MCC room.
- F. WCI would like the Pump House to be a pre-engineered and pre-fabricated building with MCC and lighting pre-wired offsite. REW to investigate this option, placement of fully assembled building may be difficult due to location directly below two existing 12" diameter steam lines approximately 12'-8" above grade.

18. Several changes were made to the process and will have to be shown on the P & ID diagrams.
19. Changes to the sump tracking list, the project punch list and the sump specification table can be found as attachments to these meeting minutes.
20. New sump numbers were given on several sump locations. This will require changes to the drawings already completed.



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19. Several changes were made to the process and will have to be shown on the P & ID diagrams.
20. Changes to the sump tracking list, the project punch list and the sump specification table can be found as attachments to these meeting minutes.
21. New sump numbers were given on several sump locations. This will require changes to the drawings already completed.
22. REW will check the MCC feeders on the galvanizing line. There seem to be discrepancies between the single line and the actual field conditions.
23. REW has looked into the requirements for the PLC and found that the GE 9030 Series would be adequate for the system.
24. REW is still researching the alarming of the sumps to the PLC at the Pretreatment Plant. It was narrowed down to either RF or phonline.
25. Power to the sump control panels in the mobile equipment area can come directly to the control panel. Using cable equal to 1/3 of the capacity of the overhead feeders to the panel, no remote disconnect at the overhead feeders is required. The fusible disconnect in the panel is sufficient.
26. REW received a copy of SK-64493-GA1 with WCI comments marked in red.
27. Pipes from the tractor aisle to the Pretreatment Plant will not be in a box truss type bridge. WCI wants a series of support bents with beam struts as required for intermediate support of small pipes and conduits.

The wastewater line from the roll shop sump and the portable anneal sump will cross the roadway to the west and run along the construction stores building and cross over the proposed roadway to the Pretreatment Plant via a pipe bridge by WCI.

A new pipe bridge from the pretreatment plant to the north end of the 56" Hot Mill will be installed directly above the existing steam lines. The steam lines will then be supported from the bridge structure and the existing supports are to be removed. The existing steam line will be relocated in the future to the top of the bridge.

**WCI STEEL, INC.  
REW JOB NO. F64493  
MINUTES OF MEETING NO. 4  
FEBRUARY 18, 1994**

**PAGE 8**

The proposed pipes will cross the road along the river at the north west corner of the 56" Hot Mill via an existing pipe bridge.

The proposed pipes will then run along the west side of the road to the tie-in point at the hot metal bridge. The oil lines from the pretreatment plant and from the truck unloading station and the decant water line from the existing main oil storage tank will cross beneath the road along the river in a pipe culvert located as close to the existing main oil storage tank as possible. The culvert should be placed relatively shallow to allow for a "future" sewer trunk line that may be installed along the road. The Decant Sump will drain this culvert pipe also.

28. The pipe from the Loco/Machine Shop sump to the truck unloading station will be installed underground inside an existing sewer. The addition of a manhole may be necessary to intercept the sewer. The pipe will be directed away from the future #5 Pond cleanout truck ramp.
29. A new pipe bridge will be placed from the southwest corner of No. 5 Pond across the road and railroad tracks to the south.

The proposed pipes will run above ground on piers from the new bridge to the hot metal bridge tie-in point.

Wade L. Blackburn

Wade L. Blackburn, P.E.

Vice President

R. E. Warner & Associates

March 3, 1994

WLB/DSZ/jdy

Distribution: WCI: All Present

REW: WLB, TLM/DSZ, CLY/FWW, DAM/JGG, STB/GEY



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5  
EASTERN DISTRICT OFFICE  
25089 CENTER RIDGE ROAD  
WESTLAKE, OH 44145

December 14, 1993

MEMORANDUM

**SUBJECT:** RCRA Compliance Evaluation Inspection - WCI Steel Inc.,  
Warren, Ohio (OHD060409521) (AGD 201: CA)

**FROM:** David R. Barna, Environmental Engineer

**THRU:** A. R. Winklhofer, <sup>mm to ARW</sup> Chief  
Eastern District Office (SE-W)

**TO:** Joseph M. Boyle, Chief  
RCRA Enforcement Branch (HRE-8J)

On May 26-27, 1993, a RCRA inspection was conducted to support a multi-program inspection at WCI Steel. A RCRA compliance evaluation inspection field report is attached along with supporting documentation.

If you have any questions concerning this inspection, contact me at 216/522-7260.

Attachments



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U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
ENVIRONMENTAL SCIENCES DIVISION  
EASTERN DISTRICT OFFICE

RCRA Compliance Evaluation Inspection Field Report

I. PERMITTEE IDENTIFICATION

A. Facility Name and Address

WCI Steel, Inc.  
1040 Pine Avenue SE.  
Warren, Ohio 44483-6528

B. Responsible Official

Thomas O. Shepker, Manager, Environmental Control

C. U.S. EPA Identification Number

OHD060409521

II. DATES OF INSPECTION

May 26-27, 1993

III. PARTICIPANTS

A. WCI Steel Inc.

Thomas O. Shepker, Manager, Environmental Control  
Keith A. McLaughlin, Environmental Engineer  
Richard J. Gradishar, Environmental Engineer

B. U.S. EPA - EDO

David R. Barna, Environmental Engineer

IV. PURPOSE

The purpose of this inspection was to investigate facility compliance with RCRA regulations and requirements in support of the multi-program inspection conducted at WCI Steel.

## V. FACILITY DESCRIPTION

WCI Steel operates an integrated steel mill in Warren, Ohio, for the manufacture of specialty flat rolled products including: hot and cold rolled sheet; silicon electrical steels; hot dip galvanized and nickel-flash terne coated steel. A mill layout diagram is presented in Figure 1. Production facilities include: a blast furnace; basic oxygen furnace (BOF) shop; continuous caster; hot strip mill; cold reduction mill; temper mills; electrical silicon steel processing line; galvanizing and terne line; and other finishing facilities.

WCI Steel obtains its coke for iron making through contracts with LTV Steel, US Steel, and Shenango. A sinter plant is operated by WCI Steel in Youngstown. This plant processes blast furnace dust, slag, and other residuals into sinter which is trucked back to the WCI Steel blast furnace in Warren. An on-site powerhouse supports the blast furnace operation, providing steam requirements and backup power.

## VI. DESCRIPTION OF WASTE GENERATION AND MANAGEMENT

### A. Blast Furnace

Blast furnace stack gas emissions are controlled with wet scrubbers. Scrubber water is pumped from two flight conveyor to one pit where heavier solids are separated prior to settling in two clarifiers. Clarifier effluent is recycled to the blast furnace wet scrubbers. Blowdown from the scrubber water is used for slag cooling. Clarifier sludge is dewatered in vacuum filters located adjacent to the central wastewater treatment plant (CWWTP). The vacuum filter sludge is managed as nonhazardous waste and transported to WCI Steel's on-site industrial landfill. A copy of the 1992 Annual Solid Waste Daily Log Summary Report for the industrial landfill is found in Attachment 1.

Secondary air emissions in the cast house are controlled by a baghouse. Accumulated dust is transported behind the blast furnace and is mixed with BOF ESP dust, flight conveyor solids, and other materials. The mixture is transported by truck to the sinter plant in Youngstown.

### B. Steel Making/Basic Oxygen Furnace (BOF) Shop

The BOF shop, installed in 1965, was modernized in 1986 with a desulfurization station. Hot metal is received from the blast furnace by rail at a reladling station equipped with slag skimming and desulfurizing facilities.

Desulfurization is accomplished by injection of a powder consisting of a mixture of calcium carbide, magnesium, and lime. A ladle metallurgy furnace (LMF) and vacuum degasser (VDG) were installed in 1991 to provide control over steel chemical composition.

BOF air emissions are controlled by two electrostatic precipitators (ESPs) operated in parallel. BOF dust is accumulated in an enclosed dust box, transported behind the blast furnace, and mixed with other materials prior to transfer to the sinter plant. Hood spray water is piped directly to the CWWTP and collected solids are transferred to the BOF flight conveyor sludge pit.

Desulfurization fumes are controlled by a baghouse. Accumulated dust is managed as nonhazardous waste and transported to the on-site industrial landfill.

LMF air emissions are controlled by hood sprays and a baghouse. Accumulated LMF baghouse dust is taken to the on-site landfill.

C. Continuous Caster

The continuous slab caster began operation in January 1992. It began casting 100 percent of the steel in May 1992 with the closing of the 36-inch blooming mill. Spray water controlling emissions from molds and cutters is recycled as make-up water for BOF hood sprays. Scale pit coarse solids are taken to the sinter plant. Fine scale is accumulated with the 56-inch mill sludge.

D. 56-inch Hot Strip Mill

The 56-inch hot strip mill came on line in May 1961. Mill process wastewaters and cooling waters are treated with two scale pits, a cooling tower, and the 56-inch hot mill recirculating lagoon. Lagoon bottom solids are dredged and pumped to an adjacent lagoon for storage. Sludge was last taken off site in 1988 and managed as nonhazardous waste. WCI steel is considering combining lagoon sludge with waste oil for injection into the blast furnace. The hot mill lagoon is scheduled for dredging in 1994.

E. Pickling Lines

WCI Steel operates two pickling lines. The No. 5 pickling line was installed in 1957, upgraded in 1964, and rebuilt in 1988. The No. 6 pickling line was

installed in 1961. Spent pickle liquor (SPL) from the two lines are processed in an 18 percent hydrochloric acid regeneration plant. Spent pickle liquor is a listed hazardous waste (K062) and also is hazardous due to its corrosiveness (D002). Fume scrubbers on the pickling lines generate wastewater tributary to the No. 9 pump station.

Major components of the acid regeneration plant, installed in 1981, include: spray roaster; tank farm of 11 tanks; venturi preconcentrator; absorber; fume scrubber; and iron oxide storage. A schematic diagram of the acid regeneration plant, summaries of plant operations, and a monthly operating report for May 1993 are presented in Attachment 2.

Spent pickle liquor from the No. 5 line flows to a silicon settling tank prior to two tanks located adjacent to the acid regeneration plant. These tanks are managed as <90 day accumulation tanks. Sludge from the silicon settling tank is periodically removed. The sludge is managed as K062 waste and taken off-site for disposal to Mill Services in Yukon, Pennsylvania. SPL from the No. 6 pickle line is discharged through underground piping directly to a sump adjacent to the No. 5 pickle line SPL tanks. From these tanks and sump, the SPL is pumped to the acid regeneration plant.

SPL from off site sources is transported to the No. 6 SPL sump for processing in the acid regeneration plant. The acid regeneration plant has 11 storage tanks each having a capacity of 36,000 gallons. Ten of the eleven storage tanks are used to store SPL or regenerated acid (RA). One tank contains fresh acid make-up.

Iron oxide dust is a by-product of the acid regeneration plant. The iron oxide is collected in bags or railroad cars and sold as a product. Iron oxide not sold can be mixed with other materials and transported to the sinter plant. WCI Steel is considering extruding the iron oxide dust to pellets for use in the BOF.

Copies of typical manifests for off site SPL and silicon tank solids shipments are found in Attachment 3.

#### F. Finishing and Coating Lines

Principal finishing and coating facilities consist of: silicon electrical steel continuous annealing line; galvanizing line; terne line; slitters and roll forming.

The 48-inch hot dip zinc galvanizing line was installed in 1976. The 48-inch hot dip terne line was installed in 1957. SPL from these lines, managed as K062 waste, flows to individual compartments of a sump located in the galvanizing alley. SPL from the galvanizing and terne lines can be transported to the No. 6 line sump for processing in the acid regeneration plant; or, hauled off-site for disposal depending on the chemical characteristics of the SPL. The galvanizing and terne line sump compartments are managed as <90 day accumulation tanks.

Galvanizing line air emissions are controlled by a baghouse. Baghouse dust is accumulated in a hopper and collected in a 23 yard roll off box. The baghouse dust is managed as nonhazardous waste and transported to a nonhazardous landfill (American Waste Services).

A manifest for a typical off-site disposal shipment of galvanizing line SPL is found in Attachment 4.

G. Central Wastewater Treatment Plant (CWWTP)

WCI Steel operates a Central Wastewater Treatment Plant (CWWTP) for the treatment of boiler house wastewaters, BOF caustic wastewaters, and effluent from the No. 6 pond. Treatment at the CWWTP consists of pH adjustment, polymer addition, and clarification prior to discharge through NPDES outfall 602 to outfall 013.

Pond No. 6 is one of three unlined surface impoundments operated as equalization and oil separation lagoons for the CWWTP. Process wastewaters, noncontact cooling water, acid fume scrubber water, and storm runoff from the pickle lines, finishing operations, and acid regeneration plant are routed by gravity to the No. 9 pump station. The No. 9 pump station pumps to a sump or "bosh" box where the wastewaters flow by gravity through a 36-inch pipe to the influent end of the No. 5 pond. Pond No. 5 is connected by underflow pipe to the No. 6 pond. WCI Steel has constructed a catch pond, pond No. 6A, to collect seepage from pond No. 6 in an attempt to prevent migration into the Mahoning River. Two 50 gpm pumps have been installed to return collected seepage from the No. 6A pond to the No. 6 pond. Wastewater from the No. 6 pond is then pumped to the CWWTP influent "bosh" box. A schematic diagram of the three pond system is found in Figure 2.



CWWTP clarifier sludge is dewatered in a filter press. The dewatered sludge is managed as non hazardous waste and is screened twice a year for TCLP. The dewatered sludge is transported to the on-site industrial landfill.

#### H. Waste Oil

Surface oil is skimmed off ponds No. 5 and 6, the 56-inch mill recirculating lagoon, and mill scale pits. Collected oil is accumulated in tanks or vacuumed to trucks. The accumulated oil is periodically transferred to a 500,000-gallon tank. A steam coil in the tank heats the oil in an attempt to break emulsions. Excess water is decanted. WCI Steel has been selling the waste oil to Research Oil of Cleveland, Ohio, or Clark Oil.

#### I. Waste Petroleum Naptha

WCI Steel operates about 25 parts cleaners at various locations in the mill. Waste petroleum naptha is generated as a result of parts cleaning with mineral spirits. The mineral spirits and parts cleaners are provided by Safety-Kleen. Waste solvent, managed as D001 waste petroleum naptha, is collected periodically by Safety-Kleen. A typical manifest for a Safety-Kleen pickup is found in Attachment 5.

#### J. Waste Characterization

WCI Steel performs a semi-annual waste characterization of mill sludges, dusts, SPLs, boiler house fly ash, and other materials generated in the mill. A listing of materials tested is presented in Attachment 6.

#### K. Condensed Coke Gas Tanks

LTV supplies coke gas to WCI Steel's blast furnace and BOF. The gas is piped to the furnaces from the LTV Warren coke batteries. As the gas moves through the line, it cools and a portion condenses. The condensate is accumulated in seven tanks along the pipeline. The tanks are periodically pumped out and the liquid is returned to the coke batteries.

### VII. SUMMARY OF FINDINGS

The RCRA inspection consisted of: interviews with WCI Steel personnel; records review; and site inspection. A state of Ohio RCRA inspection checklist was completed and is found in Attachment 7. Photographs taken during the inspection are

presented in Attachment 8. Inspection findings are summarized below.

A. Hazardous Waste Activity Status

At the time of inspection, a draft Part B permit was out for public comment. A June 2, 1993, public hearing was held. Subsequent to the May inspection, the Ohio RCRA permit was issued in August 1993 and the Federal HSWA permit in November 1993. Solid Waste Management Units (SWMUs) identified for investigation are listed in Attachment 9. WCI Steel will be required to prepare a RCRA Facility Investigation (RFI) to evaluate releases from SWMUs. These SWMUs were visited during the site inspection.

Covered in the Part B permit are the eleven 36,000-gallon storage tanks in the acid regeneration tank farm, and the No. 6 SPL sump which stores SPL generated at WCI Steel and SPL transported from off-site generators.

WCI Steel operates as a large quantity generator (LQG). WCI Steel manages the following tanks or sumps as <90 day accumulation tanks/sumps:

- \* galvanizing line SPL sump
- \*terne line SPL sump
- \* No. 5 pickle line SPL tanks
- \* silicon settling tank.

The sumps and tanks are emptied, cleaned, and inspected every 90 days according to WCI Steel.

According to WCI Steel, hazardous wastes are not generated in drums on a routine basis. A copy of WCI Steel's 1992 annual generator and facility hazardous waste reports are found in Attachment 10.

B. Hazardous Waste Characterization

As stated previously, WCI Steel performs semi-annual waste characterizations. Waste characterization data were obtained. Analytical data for the fall 1992 characterization were reviewed and it was identified that TCLP results for chromium exceeded the regulatory limit for the CWWTP sludge sample. WCI Steel has been managing the CWWTP sludge as nonhazardous, transporting the sludge to its on site industrial landfill. WCI Steel believes its contract laboratory at the time, ASAP Technical Services, had problems with this round of sampling and

questioned the data in a February 23, 1993, letter. According to WCI Steel, the laboratory did not respond to inquiries about the data. WCI Steel subsequently changed contract laboratories for its waste characterizations. Analytical data for the 1993 waste characterizations were provided by WCI Steel, utilizing American Analytical Laboratories Inc. or Akron, Ohio. Chromium TCLP values were found to be below the regulatory limit for the CWWTP sludge samples. Refer to Attachment 11 for a copy of the February 1993 letter, and current and historical data concerning this issue.

Information on wastewater characteristics of the influent to the No. 5 pond was not available. Influent pH to the CWWTP is recorded on daily log sheets by plant operators. These data, presented in Attachment 12, show pH levels to aeration treatment often less than pH 2. The influent to the CWWTP consists mainly of effluent from the No. 6 pond, with contributions from boiler blowdown and BOF caustic wastewaters. As part of the multi-media inspection, USEPA EDO collected screening samples during the NPDES inspection in an attempt to characterize pH values into and out of the NPDES pond treatment system. Total metal analyses were also performed. Descriptions of sampling locations and data tables taken from the September 30, 1993, USEPA Toxics Sampling Report are presented in Attachment 13. pH data are summarized below:

- \* Pond 6A - (1.81; 2.03 s.u.)
- \* CWWTP at influent box - (1.67 s.u.)
- \* Discharge into 36-inch collection box (from No. 9 pump station) - (1.65 s.u.)

In a follow-up meeting with WCI Steel on November 23, 1993, it was learned that the company is planning to bring on line pre-treatment facilities for pH adjustment with lime for finishing wastewaters tributary to the No. 9 lift station. According to WCI Steel, the pretreatment design is complete, and equipment purchased and in place. It was explained that low pH wastewaters from the finishing operations have been impacted by the following:

- \* rebuilding fume scrubbers increasing capture efficiency
- \* No. 5 pickle line runs hot steel, generating more acid fumes
- \* replacement of Terne line scrubber

- \* problems with absorber at the acid regeneration plant
- \* decreased water usage overall.

WCI Steel expects the pH adjustment facilities to be operational within a few weeks.

C. NPDES Treatment Ponds Nos. 5, 6, and 6A - Regulatory Status

According to information supplied by WCI Steel, ponds Nos. 5 and 6 were constructed within a channel of the Mahoning River. Embankments constructed across the former channel alignment were used to form the ends of the ponds. The purpose of the ponds was to provide oil removal, wastewater detention, and storm water surge protection for the CWWTP. As pond No. 6 began to leak through its west bank, pond No. 6A was excavated to capture seepage and leachate. Two pumps rated at 50 gpm were installed in pond No. 6A in an attempt to induce migration of water from the Mahoning River to pond No. 6A. Refer to photograph No. 27 showing leachate flow into pond No. 6A south ditch.

Based on information provided by WCI Steel and limited USEPA sampling, it appears that the unlined surface impoundment system (NPDES treatment ponds Nos. 5, 6, and 6A) may have been receiving wastewaters with pH less than 2.

These ponds have been identified as SWMUs and are to be addressed in the RFI. In the November follow-up meeting, WCI Steel explained two possible options for replacement of the surface impoundments. One option is the construction of a 4-million-gallon aboveground tank to replace the ponds. Another option under consideration involves separation of storm water and process wastewater and construction of a smaller equalization tank.

D. Bevill Wastes

Certain iron and steel making wastes have been excluded as solid waste under the mining waste exclusion (Bevill exclusion). 40 CFR 261.4(b)(7) lists the following wastes among the excluded wastes: iron blast furnace slag; basic oxygen furnace and open hearth furnace slag from carbon steel production; air pollution control dust/sludge from iron blast furnaces; and air pollution control dust/sludge from basic oxygen furnaces and open hearth furnaces from carbon steel production.

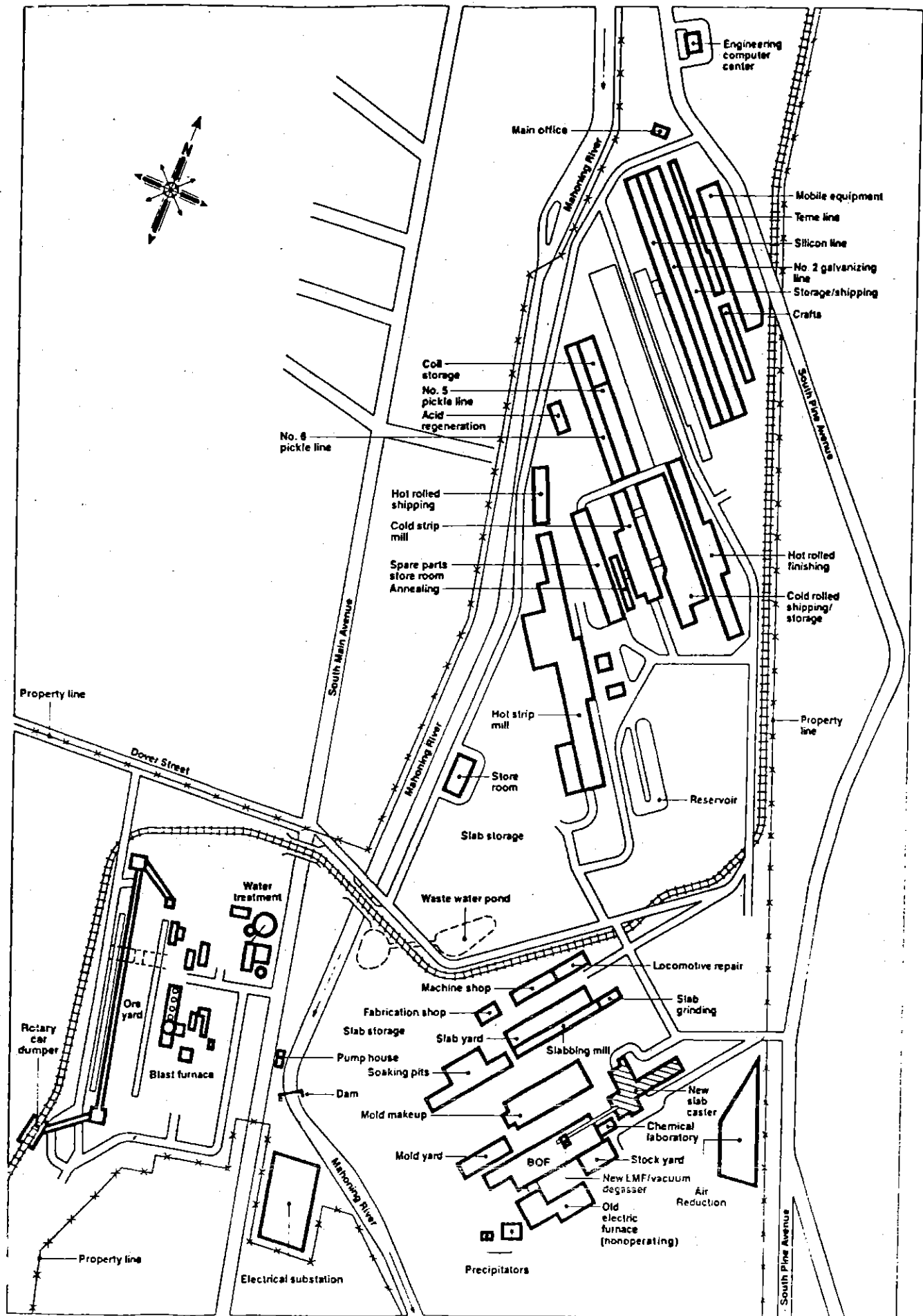
Wastes managed as "Bevill wastes" by WCI Steel include the following:

- \* BOF slag (sold/sintered/ or landfilled)
- \* BOF ESP dust (landfilled now)
- \* Blast furnace slag (100% sold)
- \* Blast furnace sludge (landfilled/sintered)
- \* Blast furnace cast house baghouse dust (sintered).

E. Secondary Containment

At the time of inspection of the acid regeneration plant tank farm, breaks and cracks in the acid resistant epoxy surface coating of the concrete containment dike were observed. Refer to photograph No. 45. WCI Steel identified this condition in April inspections of the secondary containment dike. Repairs to the acid resistant epoxy coating were completed in August 1993. WCI Steel maintains that there was no breach in secondary containment of the storage tanks as the containment concrete was still in tact. Refer to Attachment 14 for correspondence concerning this situation.

# FIGURE 1



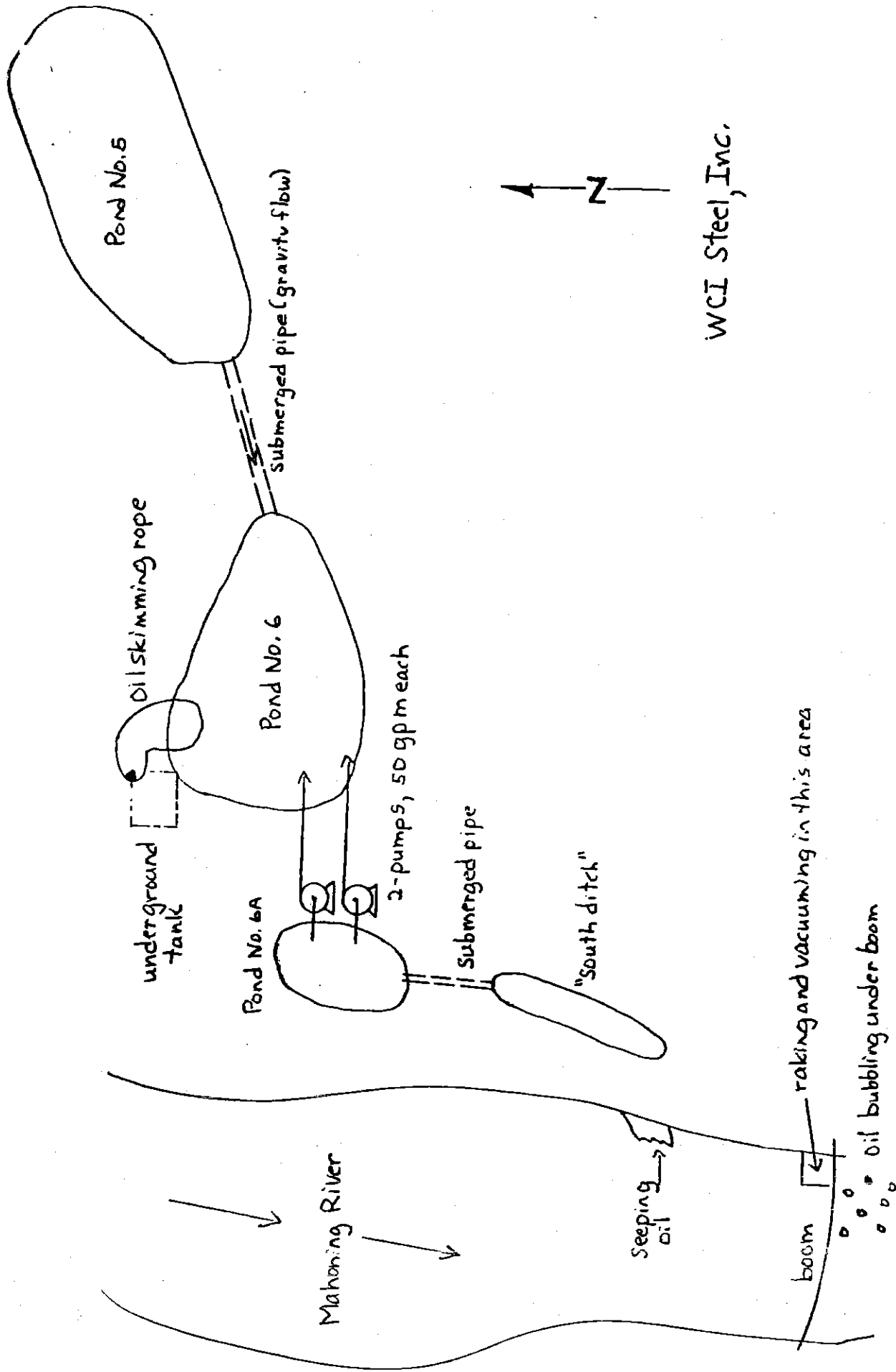


FIGURE 2.- Sketch of Ponds on May 12, 1993.

- Not to scale -  
M. Contr 9-30-93

## LIST OF ATTACHMENTS

<u>ATTACHMENT NUMBER</u>	<u>DESCRIPTION</u>
1	1992 Annual Solid Waste Daily Log Summary Report
2	Acid Regeneration Plant - schematic diagram; summaries of operation; May 1993 operating report
3	Off-site SPL and Silicon Tank Solids Shipment Manifests
4	Off-site SPL Disposal Manifest
5	Waste Petroleum Naptha Manifest
6	Waste Characterization Listings
7	RCRA Inspection Checklist
8	Photographs
9	Solid Waste Management Units
10	1992 Annual Reports
11	TCLP Data and Correspondence
12	CWWTP Log
13	USEPA Sampling Locations and Data
14	Repairs to Secondary Containment Correspondence



16  
**WCI STEEL**

December 10, 1993

V.1

19

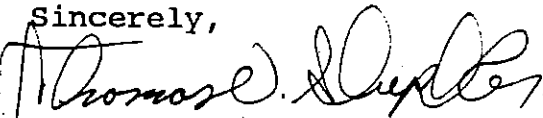
Mr. Ermelindo Gomes  
Ohio EPA, NEDO  
2110 East Aurora Road  
Twinsburg, Ohio 44087

Dear Mr. Gomes:

Enclosed please find the Unauthorized Discharge Report for the incident reported to you on December 9, 1993 by Richard J. Gradishar.

If you have any questions or need additional information, do not hesitate to call me at 216/841-8200.

Sincerely,



Thomas O. Shepker  
Manager  
Environmental Control

TOS:yt

Enclosure

1. DATE OF DISCHARGE : 12/09/93 TIME 1 : 2:30 PM
2. SPILL REPORTED BY : R.J.GRADISHAR TIME 2 : 2:40 PM
3. MATERIAL SPILLED : UNTREATED FINISHING MILL CONTACT WATER
4. LOCATION OF SPILL : RISER BOX AROUND FINISHING MILL 36" SEWER MANHOLE
5. WATERWAY AFFECTED : MAHONING RIVER OUTFALL NO.: NONE . RIVERBANK
6. DISCHARGE QUANTITY : 20 GPM INTERMITTENT. TOTAL QUANTITY UNKNOWN
7. AGENCY NOTIFICATIONS

DEPA EMER RESPONSE DATE :  
(800-282-9378) TIME :  
DEPA CONTACT :  
DEPA ID NO. :

NAT. RESP. CENTER DATE :  
(800-424-8802) TIME :  
NCR PERSON CONTACTED :  
NCR ID NO. :

DEPA REGIONAL OFFICE DATE : 12/09/93  
(216-425-9171) TIME : 3:30 PM  
DEPA PERSON CONTACTED : ERM GOMES by VOICE MAIL

TRUMBULL CO EMA/LEPC DATE :  
(216-675-2666) TIME :  
COUNTY PERSON CONTACTED :

8. EFFECTS ON HUMAN HEALTH OR ENV. : NONE

9. CAUSE OF INCIDENT : THE RISER BOX AROUND THE MANHOLE  
DEVELOPED A CRACK. WASTE WATER WHICH BUILDS UP IN THE RISER BOX AT TIMES DURING  
DISCHARGE FROM THE #9 LIFT STATION LEAKED THROUGH THE CRACK.

10. CONTAINMENT/CLEANUP INITIATED : 2:40 PM

COMPLETED : 2:45 PM

11. CORRECTIVE ACTION TAKEN : SHUT DOWN #9 LIFT STATION PUMPS WHICH  
STOPPED THE FLOW OF WATER IN ABOUT 5 MINUTES. THE HANDYMEN WERE CALLED OUT AND  
BEGAN REPAIRS TO THE RISER BOX CRACK WITH WATER PLUG TYPE CEMENT AT 3:00 PM. THE  
REPAIRS WERE COMPLETED AT 4:00 PM AND THE #9 LIFT STATION PUMP RESTARTED. CHECKS  
FOR LEAKAGE INDICATED THAT THERE WERE NONE.

12/11/93 THE HANDYMEN ARE SCHEDULED  
TO INSTALL A FORM . 6" THICK AROUND THE RISER BOX AND POUR A NEW BOX AROUND THE  
OLD CONCRETE BLOCK RISER BOX.

12. DATE LETTER SENT TO AGENCY : 12/10/93

13. DATE LETTER REC'D FROM AGENCY :  
DATE INCIDENT CLOSED :  
BY :

Environmental Control  
Monthly Report - November 1993

Unauthorized Discharge 02/03/93

OEPA was notified that during a routine inspection of outfall 017 a 20 GPM flow of 2 pH water was found from this storm water only outfall. Subsequent inspections found the #6 Pickler rinse and scrubber water sewer catch basins to be leaking. Engineering recommended acid resistant resin coated fiberglass troughs for containment to correct this problem. The water is being diverted to prevent additional discharges from outfall 017.

A follow-up letter was sent in March informing OEPA of our plans to replace the present piping and manhole system with interlocking fiberglass troughs cemented in place. Purchase order issued, and all materials received. Troughs and pipes are in place. Pumps need to be ordered. PVC pipe and fittings failed from high temperature (steam busters) and are being replaced. Additional engineering completed. 220 GPM pump ordered for the elevated system. Project to be completed in December.



August 27, 1993

Ermelindo Gomes  
Ohio EPA Northeast District  
2110 East Aurora Road  
Twinsburg, Ohio 44087-1969

RECEIVED  
AUG 31 1993

Unauthorized Discharge of BOF Process Contact Water  
Through Outfall 013 from August 20 to August 23, 1993

---

Dear Mr. Gomes:

This letter is a follow-up to Dick Gradishar's call on August 23, 1993, concerning the broken clamp on a coupling for the Basic Oxygen Furnace (BOF) waste water line to the Central Waste Water Treatment Plant (CWWTP). The attachment sums up what occurred.

This is the second failure of that line this year. We are currently engineering an exposed replacement for the underground section of the BOF waste water line and hope to have it installed before the end of this year.

If you need additional information, please call me at 216/841-8200.

Sincerely,

Thomas O. Shepker  
Manager  
Environmental Control

TOS:yt

Enclosures

cc: M. Lantner, P. Schillawski

007770



August 24, 1993

Kristen Switzer  
Environmental Specialist  
Ohio EPA, NEDO  
Div. of Hazardous Waste Management  
2110 East Aurora Road  
Twinsburg, OH 44087

Repairs to the Acid Resistant Surface Coating of the  
Acid Regeneration Plant Tank Farm, Secondary Containment

---

Dear Ms. Switzer:

This letter is a follow-up to our conversation earlier this year concerning the frost damage to the epoxy coating on the secondary containment for the Acid Regeneration Plant tank farm. Inspection of the secondary containment during April yielded discovery of several cracks which had opened up during the winter freeze/thaw cycles.

Our Maintenance Department attempted to clean the cracks for patching during May and found the frost damage had extended for a significant distance under the epoxy surface coat. Because of the extensive nature of the frost damage, it was decided that the job would go out for bid to companies with the equipment and knowledge to make the repairs.

The job was bid and work was begun on July 6, 1993 and was completed August 19, 1993. The cracks were in the acid resistant surface coating. There was no breach in the secondary containment concrete, only the epoxy surface coat. Copies of the MSDS and specifications for the coating are attached.

If you have any questions or need additional information, please call me at (216) 841-8200.

Sincerely,

Thomas O. Shepker  
Manager  
Environmental Control

TOS:yt

Attachments

cc: Dave Barna, R. McCoy

WCI Steel, Incorporated  
1040 Pine Avenue, SE  
Warren OH 44483-6528  
(216) 841-8000

SUBJECT: ACID REGEN. PLANT, TANK FARM  
SECONDARY CONTAINMENT

DATE: 22 AUGUST 1993

TO: T.O. SHEPKER  
ENVIRONMENTAL MANAGER

NO.:

THE ACID REGENERATION PLANT, SECONDARY CONTAINMENT FLOOR REPAIRS WERE COMPLETED 19 AUGUST 1993.

**SCOPE OF REPAIRS**

**PREPARATION:**


EXISTING FLOOR WAS NEUTRALIZED, REMOVED AND DISPOSED OF PROPERLY; CONCRETE BASE WAS HYDRO-BLASTED, NEUTRALIZED, AND FLUSHED.

**COATING:**

A PRIME/BINDER COATING OF VINYL ESTER RESIN WAS SPRAY APPLIED; THREE LAYERS OF VINYL ESTER RESIN TOPCOAT WERE SPRAY APPLIED; A FOURTH TOPCOAT WAS HAND TROWELED ON EDGES AND CORNERS.

THE BULK OF THE PREPARATION WAS DONE BY WCI PERSONNEL. THE FINAL PREPARATION AND COATING WAS DONE BY MARBRI ENGINEERING & SUPPLY COMPANY OF NORTH ROYALTON.

MSDS SHEETS AND PRODUCT INFORMATION ARE ATTACHED.

  
R.J. McCOY  
SUPERVISOR,  
ACID REGENERATION

Unauthorized Discharge 02/03/93

OEPA was notified that during a routine inspection of outfall 017 a 20 GPM flow of 2 pH water was found from this storm water only outfall. Subsequent inspections found the #6 Pickler rinse and scrubber water sewer catch basins to be leaking. Engineering recommended acid resistant resin coated fiberglass troughs for containment to correct this problem. The water is being diverted to prevent additional discharges from outfall 017.

A follow-up letter was sent in March informing OEPA of our plans to replace the present piping and manhole system with interlocking fiberglass troughs cemented in place. Purchase order issued, and all materials received. Troughs and pipes are in place, pumps and project should be complete in August.

**WCI STEEL**

**DEPARTMENTAL CORRESPONDENCE**

SUBJECT: ACID REGENERATION PLANT  
ACTION PLAN FOR #5 POND

DATE: 21 JUNE 93

TO: P.T. KENNEY

NO.:

AS A RESULT OF THE WEEKEND EXPIRIMENTS TO DETERMINE THE SOURCE OF THE LOW PH IN #5 POND, WE HAVE TAKEN THE FOLLOWING STEPS TO REDUCE OUR PROCESS WATER OUTFLOW TO THE TREATMENT PLANT:

- 1) REDUCED PUMP SEALING WATER TO A MINIMUM
- 2) REDUCED THE AMOUNT OF WATER WE HAVE RUNNING TO DILUTE DRIPS AND LEAKS
- 3) CLEANED OUR INSIDE SUMP TO INCREASE THE VOLUME
- 4) PHYSICALLY DISCONNECTED THE INSIDE SUMP DISCHARGE FROM THE OUTSIDE SEWER LEADING TO #5 POND
- 5) DISCONTINUED LIME ADDITIONS TO THE INSIDE SUMP
- 6) PREPARED FOR THE PUMPING AND STORAGE OF PROCESS WATER IN TANK #11, IF NECESSARY
- 7) ALTERED OUR OPERATION TO PUMP THE INSIDE SUMP PROCESS WATER INTO THE #6 PICKLER WPL SUMP FOR PROCESSING WITH THE WPL

WE HAVE REDUCED OUR WASTE WATER BY APPROXIMATELY 75%. THE PRESENT VOLUME IS ABOUT 180 GPH. ALL WATER IS BEING RECYCLED THROUGH THE PLANT AT THIS TIME. THE PH OF OUR SUMP WATER REMAINS AT 12 WITH AN ACID CONTENT OF .5%.

R J McCOY  
SUPERVISOR  
ACID REGENERATION

WCI-R 003918





## Facsimile Transmission Ticket

AM-833 5-83

Date 6/22/93		Time 9:10		A.M. <input checked="" type="checkbox"/> P.M. <input type="checkbox"/>	No. of Sheets To Follow
Name To: T. SHEPKERZ	Department ENGINEERING - ENVIRONMENTAL			Tel. Nbr. 8392	
Name From: R.J. McCoy	Department ACID REGEN			Tel. Nbr. 8736	
Type of Document:					

Sender - Please number sheets to be transmitted, as: 1 of X, 2 of X, 3 of X, etc. This will help prevent sheets being lost or misdirected at the received location.

WCI-R 003919



# WCI STEEL

May 21, 1993

Mr. Ermelindo Gomes  
Ohio EPA  
Northeast District Office  
2110 East Aurora Road  
Twinsburg, Ohio 44097

Dear Mr. Gomes:

WCI Steel, Inc., Warren Plant  
Acid Rinse Water Leak to Outfall 013 and  
Follow Up on Oil Sheen at Outfall 002

---

This letter is a follow up to my phone call of May 19, 1993, concerning the leakage of hydrochloric acid rinse water to a catch basin in the line from outfall 602 to outfall 013 on May 18, 1993. Spill Report attached.

Monday, May 17, 1993, a slight sheen was still visible at outfall 002 (3 oil absorbent booms still in place). A combination of foundation and sewer drawings for the Silicon and Galvanize buildings indicated a storm sewer in the slitter area drained to outfall 002 and not the Central Waste Water Treatment Plant (CWWTP) as previously believed. A balloon plug was placed in the 24" line and a pump installed to move the water to a sewer to the CWWTP. The sheen was gone about one hour after the plug was in place (1:00 PM, May 17, 1993).

We had several vacuum trucks work on cleaning the slitter scrap balling pit area from May 17 through May 19, 1993. Thursday, May 20, 1993, the plug was removed and the sheen did not reappear. The 8" sewer from the slitter scrap balling pit will be permanently grouted.

If you have any questions, please call me at (216) 841-8200.

Sincerely,



Thomas O. Shepker  
Manager  
Environmental Control

yt

Attachment

RECEIVED

MAY 26 1993

COMPLIANCE SECTION

007766

UNAUTH DISCH NO.: 1993-10 DATE: 05/21/93 BY: T.O. SHEPHER

1. DATE OF DISCHARGE : 05/18/93 TIME 1 : 08:30 PM

SPILL REPORTED BY : T.O. SHEPHER TIME 2 : 08:40 PM

3. MATERIAL SPILLED : HYDROCHLORIC ACID RINGATE. pH 2.3

4. LOCATION OF SPILL : CWWTF STORM WATER CATCH BASIN

5. WATERWAY AFFECTED : MAHONING RIVER OUTFALL NO. : 013

6. DISCHARGE QUANTITY : BETWEEN 10 AND 100 GALLONS

7. AGENCY NOTIFICATIONS

DEPA EMER. RESPONSE DATE :

(800-282-9378) TIME :

DEPA PERSON CONTACTED :

DEPA ID NO. :

NAT. RESP. CENTER DATE :

(800-424-8802) TIME :

NRC PERSON CONTACTED :

NRC ID NO. :

DEPA REGIONAL OFFICE DATE : 05/19/93

(216-425-9171) TIME : 08:00 AM

DEPA PERSON CONTACTED : ERM GOMES (PHONE MAIL)

TRUMBULL CO EMA/LEPC DATE :

(216-675-2666) TIME :

COUNTY PERSON CONTACTED :

7. AFFECTS ON HUMAN HEALTH OR ENVIRONMENT : NONE

8. CAUSE OF INCIDENT : EVERY TWO YEARS WE ACID CLEAN THE LIME DEPOSITS OUT THE 3.5" WASTE WATER LINE FROM THE BOF TO THE CENTRAL WASTE WATER TREATMENT NT. AFTER THE LINE WAS ACID FLUSHED. SERVICE WATER WAS USED TO RINSE THE LINE. THE OPERATOR AT THE CWWTF-~~END OF THE~~ LINE NOTICED WATER COMING OUT OF THE JND AT THE POINT WHERE THE BOF LINE CAME OUT OF THE GROUND AND FLOW INTO A RBY CATCH BASIN. THE FLUSHING WAS IMMEDIATELY STOPPED.

9. CONTAINMENT AND CLEANUP INITIATED : 8:40 PM

COMPLETED : 8:40 PM

10. CORRECTIVE ACTIONS TAKEN : THE LINE WAS REPAIRED AND FLUSHED WITH SERVICE WATER BEFORE BEING PLACED BACK IN OPERATION. THE WATER WHICH FLOWED TO CATCH BASIN WAS TESTED AND A pH OF 2.3 OBTAINED. OUTFALL 013 WAS TESTED AND ND TO HAVE A pH OF 9.0.

007767

1. DATE LETTER SENT TO AGENCY : 05/21/93

2. DATE LETTER REC'D FROM AGENCY :

DATE INCIDENT CLOSED :

BY :

# WCI STEEL

May 14, 1993

Ermelindo Gomes  
Ohio EPA, Northeast District Office  
2110 East Aurora Road  
Twinsburg, Ohio 44087

## Contact Water Flow Through Blast Furnace Ditch to LTV Coke Plant Outfall

---

Dear Mr. Gomes:

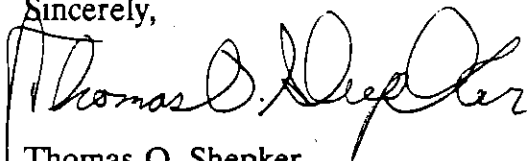
Wednesday afternoon at 3:00 PM, May 12, 1993, during an inspection by USEPA's Mark Conti and Larry Lins, hot water was found flowing toward LTV's coke plant through the concrete storm water trench. Sand was placed in the trench at about 5:30 PM to curtail flow.

An excavation of the piping system which is located around the slag pit indicated that the southeast manhole had been struck and the cover had dropped into the manhole basin blocking the line and causing it to back up and flow into the storm water trench.

Thursday the manhole was opened and Duke Sanitary, the vacuum truck company, cleaned out the lines. The sand was left in the sewer as a precaution.

If you have any questions, please call me at (216) 841-8200.

Sincerely,



Thomas O. Shepker  
Manager  
Environmental Control

TOS:yt

cc: Rick Zavoda-LTV

007765



# WCI STEEL

BY TELECOPY THEN BY U.S. MAIL

May 11, 1993

Ermelindo Gomes  
Ohio EPA Northeast District  
2110 East Aurora Road  
Twinsburg, Ohio 44087-1969

Follow Up to my Letter of April 30, 1993  
and Telephone Call of May 7, 1993

---

Dear Mr. Gomes:

The work on the dike and the ditch (called 6 A) was extended south from 6 pond the week of May 2, 1993, in order to incorporate all areas where leaks from 6 pond have occurred in the past. The excavation proceeded as far south as the backhoe could safely operate by May 6, 1993. Late in the afternoon of May 6, oil droplets were noted coming to the surface of the Mahoning River opposite the southern end of the excavation. Oil booms had been placed off shore from the excavation area two weeks earlier when the river bank slid in case any other slips should occur. The boom contained the oil. A call to OEPA's Twinsburg office Thursday evening was greeted by the message that the phones are only accessible from 8:00 am to 5:00 pm prompting me to request your phone mail number the following morning. Friday, May 7, 1993, WCI's large oil boom was stretched across the river to make sure we can continue to catch any oil which may appear on the river. We continue to look for the source.

The oil sheen at outfall 007, which was discovered Thursday evening, May 6, 1993 and reported the morning of May 7, 1993, appeared and smelled like kerosene or fuel oil. The kerosene tank was checked and manhole covers in the area were pulled but nothing was found. By May 7, 1993 only a slight sheen was visible. Duke Sanitary, our vacuum company, inspected the boom on the weekend and kept it properly deployed and vacuumed any accumulation. Monday, May 10, there was no visible sheen and the absorbent socks (booms) were removed on Tuesday morning, May 11. We can only speculate that some kerosene degreaser was inadvertently discarded in a rain water catch basin.

There is still a light sheen present on outfall 002 and the absorbent booms are still in place. Duke continued to vacuum off the greenish foam which accumulates. There still does not appear to be any sheen reaching the river. The analyses we have requested on the green

Ermelindo Gomes

May 11, 1993

Page 2

foam have been inconclusive. We have sent samples of paint and oil used in the area to the laboratory to see if we can find a match. I will continue to keep you informed.

If you have any questions, please call me at (216) 841-8200.

Sincerely,



Thomas O. Shepker  
Mgr. Environmental Control

TOS:yt

007762



Unauthorized Discharge 02/03/93

OEPA was notified that during a routine inspection of outfall 017 a 20 GPM flow of 2 pH water was found from this storm water only outfall. Subsequent inspections found the #6 Pickler rinse and scrubber water sewer catch basins to be leaking. Engineering is looking in to acid resistant resin coated fiberglass troughs for containment to correct this problem. The water is being diverted to prevent additional discharges from outfall 017.

A follow-up letter was sent in March informing OEPA of our plans to replace the present piping and manhole system with interlocking fiberglass troughs cemented in place. Purchase order issued. Project to be completed in June.

Unauthorized Discharge

4/09/93 Oil sheen at outfall 008 reported, but not visible on river. Note saying we believe it not to be reportable, sent to OEPA/USEPA.

4/23/93 5 to 10 GPM flow through the dike wall at 6A pond to Mahoning River. Ditching corrected problem.

4/29/93 Oil sheen from outfall 002 (Coated Products). Possibly gear lube oil from galvanize basement flooding. Still occurring in May. Under investigation.



16

# **WCI STEEL**

April 30, 1993

Ermelindo Gomes  
Ohio EPA Northeast District  
2110 East Aurora Road  
Twinsburg, OH 44087-1969

**Intermittent Seepage Through 6A Pond Dike During Excavation  
and an Oil Sheen on Outfall 002 4/29/93**

---

Dear Mr. Gomes:

WCI Steel began an excavation project to insure capture of any seepage from 6 Pond the week of April 18, 1993. First the dike around 6A pond was built up with concrete pieces used as riprap along the river and slag and refractory material to reinforce the dike. The purpose of reinforcing and raising the dike was to further prevent the river from inundating 6A pond and to support a large backhoe to be used to dig a deep trench along the base of the dike for 6 pond, lower than river level to prevent the exfiltration of waste water to the river.

On Wednesday, April 21, 1993, a 20' section of 6A pond dike slid between three and four feet toward the river because of the weight of the backhoe. An oil boom was set up in case any oil should seep through this material. Additional concrete was placed in the low area created by the slip.

I inspected the area Wednesday and Thursday and did not see any seepage through the 6A dike. During an inspection on Friday, I noticed a 5 to 10 GPM flow below the surface of the river in the area where the bank had slid. It appeared to be intermittent, probably being influenced by the level in 6A pond.

We called the Waste Water Treatment Plant and asked them to lower the level in 6 pond from 60" to 45" to reduce the seepage from 6 pond to 6A pond and any subsequent leakage to the river. The CWWTP reduced the level of 6 pond to 48" on Sunday before a 2" rainfall started increasing the pond level. Because of the rain, the river level went up several feet, nearly to the top of the heightened 6A dike, obscuring the area where we had noted the leak.

Excavation of the base of 6 pond dike was accomplished the week of April 25, 1993. On Thursday, April 29, 1993 the river level dropped sufficiently and cleared so we could see the area where the leak was observed on April 23, 1993 and there was no seepage.

The 6A pond is now lower than the Mahoning River so that any seepage which could occur will be from the river to 6A pond.

WCI Steel, Incorporated  
1040 Pine Avenue, SE  
Warren, OH 44483-6528  
(216) 841-8000

WCI-HW 009576

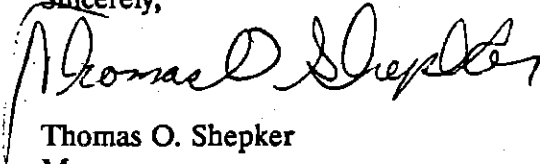
Ermelindo Gomes  
April 30, 1993  
Page 2

April 29, 1993 the sampler noted a sheen on outfall 002 during sampling. An investigation was begun immediately. The sheen increased and two booms were placed between the outfall and the Mahoning, eliminating the sheen. The investigation continued without finding a source. A local vacuum truck service was contacted and worked through the night cleaning up any oil sheen which accumulated behind the booms and your office was notified.

We believe the oil sheen originated from a break in a water line on April 24, 1993 and April 25, 1993 which dumped about a million gallons of water in the galvanize line basement submerging many gear boxes. The floor drains flow to our CWWTP but the basement may have overflowed to an outside catch basin which goes to outfall 002. The river was high from rains on April 24 and April 25 and it was April 29, 1993 before it was low enough to allow the oil to flow to the outfall. There is still a slight sheen as of April 30, 1993, which we continue to catch with the booms.

If you have any questions, please call me at (216) 841-8200.

Sincerely,



Thomas O. Shepker  
Manager  
Environmental Control

TOS:yt

c: M. Lantner  
P. Schillawski



# EAGLEBROOK, INC.

17877 St. Clair Ave., Cleveland, OH 44110 • (216) 486-9100 • (800) 362-7896 • Fax: (216) 486-4131

April 26, 1993

Mr. Keith McLaughlin  
WCI Steel Inc.  
1040 Pine Ave. S.W.  
Warren OH 44483

RE: Recycling of Spent Hcl Acid

Dear Keith:

We confirm that your spent Hcl acid is used for recycling in waste water plants after we process it. All waste that we receive for recycling is filtered and/or blended to a specific customers needs.

Any waste that we may generate is shipped off as our waste to a TSD facility.

Very truly yours,

EAGLEBROOK OF OHIO, INC.  
Resource Recovery Division

James C. Yorko Sr.  
Manager



COATED PRODUCTS DEPARTMENT SUPERVISORS RECEIVING SEMI-ANNUAL HAZARDOUS WASTE TRAINING.

1. Charlie Brekoski
2. Paul Gano
3. Bill Knight
4. Joe Len
5. Joe Mayor
6. Bill Reidel
7. Jake Reis

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

DATE: ~~APR~~ 20 1993

SUBJECT: RCRA Inspection at: Warren Consolidated Industries  
OHD 060 409 521

FROM: Joseph Boyle, Chief *JMB*  
RCRA Enforcement Branch

TO: Alfons Winklhofer, Chief  
Eastern District Office

This memo serves as a request for the Eastern District Office to conduct a RCRA Compliance Evaluation Inspection at the Warren Consolidated Industries (WCI) facility located in Warren, Ohio. This facility was identified as a multi-media inspection candidate for FY '93 during the September 17, 1992, Region 5 Litigation Screening Committee meeting. ESD is responsible for coordinating this inspection.

Ken Bardo is available to provide and discuss background information on RCRA for the WCI facility. He can be reached at (312) 886-7566.



January 28, 1993

Mr. Ermelindo Gomes  
Ohio EPA  
Northeast District Office  
2110 East Aurora Road  
Twinsburg, Ohio 44087

WCI Steel, Inc.  
Warren Plant  
NPDES Permit 3ID00071\*AD  
January 1, 1993 Discharge thru Outfall 009

Dear Mr. Gomes:

The chemical analyses for the period we had a discharge from outfall 009 are included with this letter. Analyses for outfalls 009, 013, 602, and intake 804 are included. The combined effluents for outfalls 009 and 602 for the December 31, 1992 through January 1, 1993, 24-hour period were as follows:

OUTFALL	<u>SOLIDS</u>	<u>OIL &amp; GREASE</u>	<u>LEAD</u>	<u>ZINC</u>	<u>TETRACHL</u>	<u>NAPHTHAL</u>	<u>PH</u>
602	65.86	21.95	—	.136	—	—	9.0
009	4.03	3.42	.003	.048	—	.0004	2.5
TOTAL	69.89	25.37	.003	.184	—	.0004	
Permit Limit	301KG/D	129KG/D	1.88KG/D	2.44KG/D	.038KG/D	6.5	9.0

The 2.5 pH for outfall 009 is the only exceedence for the discharge period.

As you recall from our phone conversation on December 31, 1992, my letter of January 4, 1993 and your inspection on January 11, 1993, heavy rains had elevated the pond level to nearly the overflow point. The increased head pressure ruptured a weld in the weir plate causing a discharge to occur.

Under normal river conditions, we would have caught this leak and pumped it back to the lagoon, however, the river was at flood stage and outfall 009 was inundated.

Repairs have been made to the weir but we are unable to totally eliminate the leak. To prevent a reoccurrence, we are temporarily installing a balloon in the pipe for outfall 009 and will allow the weir basin to fill to pond level. When weather and production levels allow us to significantly lower the pond level, we will block off the weir, pump the weir basin out on both sides of the weir and make the necessary repairs to totally stop the leak.

During the period we sampled, several observations were made by myself and the sampler

WCI Steel, Incorporated  
1040 Pine Avenue, SE  
Warren, OH 44483-6528  
(216) 841-8000



Mr. Ermelindo Gomes  
January 28, 1993  
Page 2

from American Analytical, Bob Shepard. Flows from about 25 GPM to a trickle well under 1 GPM were observed. We estimate the average flow to be 5 GPM for the entire period of 24 hours when observable flows occurred.

If you need additional information or have any questions, please call me at (216) 841-8200.

Sincerely,

Thomas O. Shepker  
Manager  
Environmental Control

TOS/yt

Enclosures

cc: M. Lantner  
P. Schillawski

**AMERICAN ANALYTICAL LABORATORIES, INC.**

WORK ORDER #: 93-01-001

INDUSTRIAL HYGIENE AND ENVIRONMENTAL SCIENCES

840 S. MAIN STREET  
AKRON, OHIO 44311-1516  
(216) 535-1300SAMPLES RECEIVED: 01/01/93  
ANALYSIS REPORTED: 01/11/93**SAMPLE ANALYSIS REPORT**

SAMPLE ID AAL LAB #	DATE COLLECTED		METHOD(S)
	PARAMETER(S)	RESULT(S) UNITS	
G-130 9301001-03	01/01/93 14:15:00		
	Conduit Flow	AF MGD	AAL SPECIAL
	pH	7.5 s.u.	EPA 150.1
	Water Temperature	65 F	EPA 170.1
	Lead	11 ug/L	EPA 239.2
	Thallium / Furnace	< 10 ug/L	EPA 279.2
	Zinc	200 ug/L	EPA 289.1
	Oil & Grease, Total	2 mg/L	EPA 413.1
	Ammonia as N	<0.10 mg/L	EPA 350.3
	Cyanide (Total)	<0.010 mg/L	EPA 335.2
	Phenol	<5 ug/L	EPA 420.1
	Residue, Total(Nonfilter)	No Sample mg/L	EPA 160.2
G-602 Field Blank 9301001-04	01/01/93		
	Naphthalene	< 10 ug/L	EPA 625
	Tetrachloroethylene	< 5.0 ug/L	EPA 624
G-090 9301001-05	01/01/93 12:35:00		
	Conduit Flow	0.007 MGD	AAL SPECIAL
	pH	2.5 s.u.	EPA 150.1
	Naphthalene	15 ug/L	EPA 625
	Lead	95 ug/L	EPA 239.1
	Zinc	1800 ug/L	EPA 289.1
	Tetrachloroethylene	< 5.0 ug/L	EPA 624
	Oil & Grease, Total	129 mg/L	EPA 413.1
	Residue, Total(Nonfilter)	152 mg/L	EPA 160.2

The base-neutral surrogate recoveries for sample 93-01-001-01E were out of control and re-extraction of this sample also had out of control surrogate recoveries. Therefore, the sample matrix may interfere with the naphthalene analysis.

**AMERICAN ANALYTICAL LABORATORIES, INC.**

WORK ORDER #: 93-01-001

INDUSTRIAL HYGIENE AND ENVIRONMENTAL SCIENCES

840 S. MAIN STREET  
AKRON, OHIO 44311-1516  
(216) 535-1300SAMPLES RECEIVED: 01/01/93  
ANALYSIS REPORTED: 01/11/93**REPORT ISSUED TO:**Dick Gradishar/Tom Shepker  
WCI Steel, Incorporated  
1040 Pine Avenue, S.E.  
Warren, Ohio 44482-1550

WORK ID: Week #53 (Flood Sampling)

SAMPLED BY: Robert E. Shepard of AAL  
SAMPLE TYPE: Water**SAMPLE ANALYSIS REPORT**

SAMPLE ID AAL LAB #	DATE COLLECTED		METHOD(S)
	PARAMETER(S)	RESULT(S) UNITS	
G-602 9301001-01	01/01/93 13:20:00		
	Conduit Flow	1.160 MGD	AAL SPECIAL
	pH (max)	9.7 s.u.	EPA 150.1
	pH (min)	9.0 s.u.	EPA 150.1
	Naphthalene	< 10 ug/L	EPA 625
	Lead	< 25 ug/L	EPA 239.1
	Zinc	31 ug/L	EPA 289.1
	Tetrachloroethylene	< 5.0 ug/L	EPA 624
	Oil & Grease, Total	5 mg/L	EPA 413.1
	Residue, Total(Nonfilter)	15 mg/L	EPA 160.2
G-804 9301001-02	01/01/93 13:50:00		
	Conduit Flow	36.000 MGD	AAL SPECIAL
	pH	7.7 s.u.	EPA 150.1
	Water Temperature	44 F	EPA 170.1
	Copper	10 ug/L	EPA 220.2
	Lead	13 ug/L	EPA 239.2
	Thallium / Furnace	< 10 ug/L	EPA 279.2
	Zinc	26 ug/L	EPA 289.1
	Oil & Grease, Total	1 mg/L	EPA 413.1
	Ammonia as N	<0.10 mg/L	EPA 350.3
	Cyanide (Total)	<0.010 mg/L	EPA 335.2
	Phenol	<5 ug/L	EPA 420.1
	Residue, Total(Nonfilter)	85 mg/L	EPA 160.2

The base-neutral surrogate recoveries for sample 93-01-001-01E were out of control and re-extraction of this sample also had out of control surrogate recoveries. Therefore, the sample matrix may interfere with the naphthalene analysis.



**WCI STEEL**

February 10, 1993

Mr. Murray Lantner  
Water Division  
US EPA, Region 5  
Compliance Section  
77 West Jackson Blvd. (WCC-15J)  
Chicago, Ill. 60604-3590

**RECEIVED**

COMPLIANCE SECTION

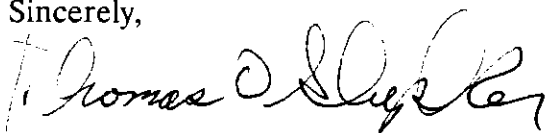
Dear Mr. Lantner:

The water under outfall 004 was vacuumed up on February 9, 1993 at 4:00 P.M.

Our security guards log the river level when it reaches 91 ft. on our gauge. A copy of the December 31, 1992 log is included.

A copy of the No. 6 Pickler Discharge Report is also enclosed.

Sincerely,



Thomas O. Shepker  
Manager  
Environmental Control

TOS:yt

Enclosures

007758

WCI Steel, Incorporated  
1040 Pine Avenue, SE  
Warren, OH 44483-6528  
(216) 841-8000



## Security Department

Plant

Date 12-31-92

Time 6:30 P

To LT. MALVASIA

From ROBERT D. RODEN

Subject RIVER LOG // NATIONAL WEATHER SERVICE PHONE NUMBER 545-579

RIVER TO CREST AFTER 1 A.M. JAN. 1, 1993.

6:30 P 91.4

8:00 P 92.0

9:00 P 92.0

9:55 P 92.4

1:00 A 93.0 1-1-93

2:00 A 93.6

3:00 A 93.6

4:00 A 93.6

5:00 A 93.6

6:00 A 93.6

9:00 A 93.0

10:35 A 92.7

1:50 P 92.0

4:20 P 91.0 END OF LOG!

007759

Disposition

Date

By

**WCI STEEL**

February 9, 1993

Mr. Ermelindo Gomes  
Ohio EPA  
Northeast District Office  
2110 East Aurora Road  
Twinsburg, Ohio 44087

Re: Outfall 017 Flow

Dear Mr. Gomes:

A routine inspection of the outfalls by Dick Gradishar on February 3, 1993, indicated no flow from outfall 017. During a similar inspection on Thursday, February 4, 1993, Dick found approximately 20 GPM of water coming from this outfall. He took a sample and found the pH to be about two. At this time, Dick got a plug and plugged the outfall. When outfall 017 is plugged, the water backs up and flows to the main sewer to the Central Waste Water Treatment Plant.

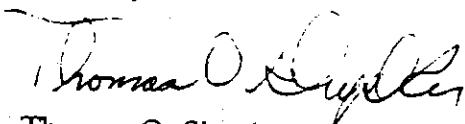
Thursday, we began pulling all blueprints on the No. 6 Pickler sewer system including the sewer to outfall 017. A visual inspection was made and the exposed manhole covers were located.

Friday morning, while inspecting the pickle rinse water sewer system which parallels outfall 017 sewer system, a leaking manhole was discovered. The No. 6 pickler was shut down and a bypass line was installed before No. 6 pickler was put back in service.

Saturday, February 6, 1993, an acid resistant grout was poured into the leaking sump (manhole). The sump was tested on Monday with water and still found to be leaking. A meeting was held Monday afternoon and it was decided to test all eight (8) sumps (manholes) for leakage and line them with an acid resistant plastic or resin material and the plastic lines between the sumps will be pressure checked. The outfall 017 sewer will be checked with a TV camera and the break, when located, will be repaired.

I will write you a complete summary of all activities when the repairs are complete. If you have any questions or need additional information, please call me at 216-841-8200.

Sincerely,



Thomas O. Shepker,  
Manager  
Environmental Control

007757

yt

WCI Steel, Incorporated  
1040 Pine Avenue, SE  
Warren, OH 44483-6528  
(216) 841-8000





January 4, 1993

VI

14.

Mr. Ermelindo Gomes  
Ohio EPA  
Northeast District Office  
2110 East Aurora Road  
Twinsburg, Ohio 44087

Dear Mr. Gomes:

WCI Steel, Inc., Warren Plant  
NPDES Permit 3ID00071\*AD  
Discharges from Outfall 009 and 601

---

In reference to our phone conversation of December 31, 1992, WCI Steel discharged water through outfalls 009 and a modified 601 because of an act of God (approximately 3" of rain from December 28 through December 31, 1992).

Because of excessive rains the last three days of 1992, the Blast Furnace recycle system was filled to capacity and a blowdown of 100 GPM was taken on December 31, 1992 from 7:50 AM to 10:10 AM. The Blast Furnace non-contact water pumps then failed and 601 was shut down from lack of pressure. A hose was run from the recycle surge tank and 27,000 gallons of water were discharged between 12:55 PM and 2:55 PM. the tank was refilled and 13,000 gallons was discharged between 3:00 PM and 4:00 PM to the same line where 601 discharges. A total of 54,000 gallons was discharged from 601. American Analytical Labs set up a sampler and monitored the discharge.

The excessive rain caused the #6 pond to reach 115" at 9:00 AM on December 31, 1992. The increased head pressure caused a weir plate weld to break at 9:00 AM allowing about 25 GPM to escape. Normally we would be able to capture this water and return it to the pond but the river was at flood stage. The rain had stopped in the morning and the pond level was:

115"	9:00 AM	12/31/92
114"	2:00 PM	12/31/92
105"	12:00 PM	12/31/92
102"	8:00 AM	01/01/93

By 8:00 AM on January 1, 1993 the flow was reduced to a trickle (less than 1 GPM). American Analytical set up an auto sampler and collected a composite sample during the discharge period along with samples from outfall 602. The weir will be repaired when the pond level can be sufficiently reduced to prevent reoccurrence.

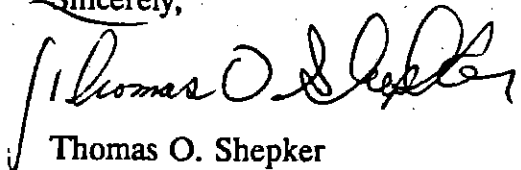
WCI Steel, Incorporated  
1040 Pine Avenue, SE  
Warren, OH 44483-6528  
(216) 841-8000

Mr. Ermelindo Gomes  
January 4, 1993  
Page 2

The analytical results will follow with the 4500s for December.

If you have any questions please call me at (216) 841-8200.

Sincerely,

A handwritten signature in cursive script, appearing to read "Thomas O. Shepker".

Thomas O. Shepker  
Manager  
Environmental Control

cc: M. Lantner  
P. Schillawski  
R. Gradishar



December 19, 1992

Ms. Kris Switzer  
Ohio EPA, NEDO  
2110 East Aurora Road  
Twinsburg, Ohio 44087

Annual Hazardous Waste Compliance  
Inspection of December 3, 1992

---

Dear Ms. Switzer:

Please be advised that the contingency plans were mailed to twelve public emergency response organizations and ten vendor responders by registered mail with the "Emergency Response Agreement" forms included and self-addressed stamped envelopes. To date we have received 20 of 22 notices of delivery and 13 of 22 emergency response agreements.

During the inspection, you advised us that date, time and inspector must show on the Acid Plant safety equipment inspection form. A copy of the revised form and a completed copy are attached.

I believe this should resolve the issues we discussed during the inspection. If you should need additional information, please call me at (216) 841-8200.

Sincerely,

A handwritten signature in black ink that reads "Thomas O. Shepker". The signature is written in a cursive style with a large, stylized "T" and "S".

Thomas O. Shepker  
Manager  
Environmental Control

TOS/yt

Attachments-2

cc: Tom Roth, OEPA NEDO

# SAFETY EQUIPMENT

DATE: \_\_\_\_\_

TIME: \_\_\_\_\_

## CONTROL ROOM:

SCOTT AIR PACK (2) \_\_\_\_\_  
OXYGEN TANK (1) \_\_\_\_\_  
STRETCHER (1) \_\_\_\_\_  
INTERCOM (1) \_\_\_\_\_  
FIRE EXTINGUISHER (1) \_\_\_\_\_

## PUMP ROOM:

FIRE EXTINGUISHER (2) \_\_\_\_\_  
SAFETY SHOWER (1) \_\_\_\_\_

## LAB:

FIRE EXTINGUISHER (1) \_\_\_\_\_

## LOCKER ROOM:

FIRE EXTINGUISHER (1) \_\_\_\_\_

## OFFICES:

FIRE EXTINGUISHER (1) \_\_\_\_\_  
INTERCOM (1) \_\_\_\_\_

## ROASTER:

FIRE EXTINGUISHER (1) \_\_\_\_\_  
INTERCOM (1) \_\_\_\_\_

## ACID TRUCK UNLOADING/LOADING STATION:

SAFETY SHOWER (1) \_\_\_\_\_  
INTERCOM (1) \_\_\_\_\_

## MOTOR CONTROL ROOM:

FIRE EXTINGUISHER (1) \_\_\_\_\_

## CPL TANK AREA:

SAFETY SHOWER (1) \_\_\_\_\_

INSPECTED BY: \_\_\_\_\_

# SAFETY EQUIPMENT

DATE: 12-7-92

TIME: 0900

## CONTROL ROOM:

SCOTT AIR PACK (2) ✓  
OXYGEN TANK (1) ✓  
STRETCHER (1) ✓  
INTERCOM (1) ✓  
FIRE EXTINGUISHER (1) ✓

## PUMP ROOM:

FIRE EXTINGUISHER (2) ✓  
SAFETY SHOWER (1) ✓

## LAB:

FIRE EXTINGUISHER (1) ✓

## LOCKER ROOM:

FIRE EXTINGUISHER (1) ✓

## OFFICES:

FIRE EXTINGUISHER (1) ✓  
INTERCOM (1) ✓

## BOASTER:

FIRE EXTINGUISHER (1) ✓  
INTERCOM (1) ✓

## ACID TRUCK UNLOADING/LOADING STATION:

SAFETY SHOWER (1) ✓  
INTERCOM (1) ✓

## MOTOR CONTROL ROOM:

FIRE EXTINGUISHER (1) ✓

## CPL TANK AREA:

SAFETY SHOWER (1) ✓

INSPECTED BY:

D. J. Waldman





State of Ohio Environmental Protection Agency

**Northeast District Office**

2110 E. Aurora Road  
Twinsburg, Ohio 44087-1969  
(216) 425-9171  
FAX (216) 487-0769

RECEIVED FEB 9 1993  
WMD RCRA  
RECORD CENTER *Compliance*

TRACKING - DWT, LINES  
TO GO ON: ☒ RCRIS ☐ FO LOG ☐ USEPA LOG ☐ CJ LOG ☐ FILE  
ENTERED: ☒ RCRIS ☐ FO LOG ☐ USEPA LOG ☐ CJ LOG ☐ ONLY  
RCRIS ENTRY CODES: (EVALUATION) 016 (ENFORCEMENT) \_\_\_\_\_  
CEI ☒ CI ☐ OTHER \_\_\_\_\_ INITIAL NOV \_\_\_\_\_ FOLLOW-UP NOV \_\_\_\_\_  
FULL RTC \_\_\_\_\_ PARTIAL RTC \_\_\_\_\_ LDR ☒ SENT TO USEPA: YES \_\_\_\_\_ NO \_\_\_\_\_

George V. Voinovich  
Governor

December 16, 1992

RE: WCI STEEL, INC.  
OHD 060 409 521  
#02-78-0184  
TRUMBULL COUNTY

CERTIFIED MAIL

Mr. Thomas O. Shepker  
Manager - Environmental Control  
WCI Steel, Inc.  
1040 Pine Ave. SE  
Warren, Ohio 44483-6528

RECEIVED  
OHIO EPA  
DEC 17 1992  
DIN. OF ENVIRONMENTAL MGT.

Dear Mr. Shepker:

A hazardous waste compliance inspection was conducted December 3, 1992, at WCI Steel, Inc., in Warren, Ohio. The inspection was conducted by Kristen Switzer and Tom Roth, representing Ohio EPA. You, Mr. Keith McLaughlin, and Mr. David Calderwood represented WCI Steel, Inc., during the inspection.

No violations of state and federal hazardous waste regulations were noted during the inspection.

The following issues were discussed during the inspection and subsequently resolved at Ohio EPA-NEDO:

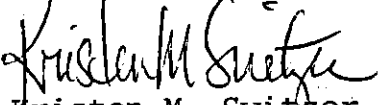
1. Requirements for contingency plan agreement updates. WCI Steel, Inc., should renew contingency plan agreements with state and local emergency authorities under the new facility name as planned. In the future, contingency plan agreement updates should be obtained in the event of a major modification in the plan. Any revisions to the contingency plan should be submitted to emergency authorities as they occur.
2. Requirements for turnover of hazardous waste stored in the permitted 28,300 gallon capacity pickling lines sump. WCI Steel, Inc., has been demonstrating turnover of this unit every 90 days. Turnover time of hazardous waste stored in a permitted tank system must be demonstrated once a year.
3. Regulatory status of the facility's silicon settling tank currently operated as a < 90 storage tank if acid from this tank is recirculated through the pickling line. In this case, the silicon settling tank would become a process unit no longer under the regulatory authority of the hazardous waste rules. Ninety day turnover of the materials in this tank would not need to be documented if this tank becomes a process tank as described during the compliance inspection and above.



Mr. Thomas O. Shepker  
December 16, 1992  
Page -2-

Enclosed are copies of the inspection checksheets. If you have questions regarding the inspection or information presented in this correspondence, please contact me at (2167) 963-1107.

Sincerely,



Kristen M. Switzer  
Environmental Scientist  
Division of Hazardous Waste  
Management

KMS/fwn

cc: Paul Anderson, DHWM, NEDO  
Laurie Stevenson, DHWM, CO





November 16, 1992

Mr. Ermelindo Gomes  
Ohio Environmental Protection Agency  
Northeast District Office  
2110 East Aurora Road  
Twinsburg, Ohio 44087

Ohio Environmental  
Protection Agency  
Emergency Response  
P. O. Box 1049  
Columbus, Ohio 43266

Mr. Mark Horwitz (SHS-26)  
U.S. EPA, Region V  
230 South Dearborn Street  
Chicago, Illinois 60604

Trumbull County Emergency  
Response  
160 High Street  
Warren, Ohio 44481

Gentlemen:

Incident NRC No. 144319, OEPA No. 9211-78-4786

---

On November 11, 1992, at 8:05 AM, the top of the regenerated hydrochloric acid storage tank failed releasing approximately 1,400 gallons of 18% hydrochloric acid. The acid fell about 40 feet into the secondary containment. A portion of the acid hit the pedestal the tank was sitting on and splashed on the concrete pad on the west and north sides of the tank farm, the truck load out pad and roadway on the east side of the tank farm. We estimated that 200 to 300 gallons of acid missed the secondary containment.

The acid which landed on the concrete was hosed into the pump room sump and pumped to a tank. The acid on the truck pad was hosed into the spent acid sump and handled as if it were spent acid. A front end loader with a bucket of lime was called immediately and arrived about 8:25 AM and dumped lime on the two catch basins which drained the affected area and on the portion of the roadway which was splashed by acid.

It was raining heavily at the time of the failure and an estimated two to ten gallons of acid splashed around a storm water only catch basin and was carried to the Mahoning River via a storm water only outfall. A pH range of 2.0 to 2.5 was obtained from the variable 20 to 30 GPM flow from this outfall. The rain continued all day so a plug was located and installed in the storm water sewer pipe causing the water to back up and flow to a sewer which goes to the central waste water treatment plant. The pH of the central waste water treatment plant actually went up after the spill instead of down because of the lime dumped on the roadway and catch basins to neutralize the acid. Two companies with vacuum trucks at our site were brought in and vacuumed up any residual acid from the rain water puddles and then discharged it to our central waste water treatment plant.

The acid tank contained 21,000 gallons of 18% HCL after the release. This acid was fed

WCI Steel, Incorporated  
1040 Pine Avenue, SE  
Warren, OH 44483-6528  
(216) 841-8000

007754

Mr. Ermelindo Gomes  
November 16, 1992  
Page 2

to the picklers and another acid storage tank. It took about five hours to empty the tank. When the tank was empty the tank top and a 4 ft high band of broken fiberglass were removed with a mobile crane and placed adjacent to the acid sump. One vacuum truck was held until the fractured sections were brought down about 4:00 PM as a contingency measure but was not needed.

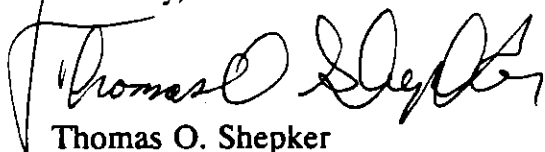
The incident was investigated on November 12, 1992. It was found that the vent line was submerged in the acid and the over-flow line leading to the spent acid sump was under water due to the hard rains. These two occurrences caused the tank to pressurize when being filled and created a vacuum when acid was being withdrawn. These conditions had probably occurred in the past and over time had caused the fiberglass to fatigue and finally rupture. The remaining 11 tanks will be inspected to make sure all vent lines are clear so this situation can not reoccur.

This tank has only been used for acid and is therefore not covered in our part "B" hazardous waste storage permit application and closure plan. It was taken down, rinsed with water and samples of the final rinsate were taken to be analyzed. When analysis is received, proper disposal of the tank will be made.

The residual lime which was dumped along the roadway was picked up and used to neutralize our waste water going to the central waste water treatment plant.

If you have any questions, please call me at (216) 841-8200.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas O. Shepker". The signature is fluid and cursive, with the first name "Thomas" being more legible than the last name "Shepker".

Thomas O. Shepker  
Manager  
Environmental Control

TOS/yt

007755

\*\*\*\*\*

1. DATE OF DISCHARGE : 11/11/92 TIME1: 8:05 AM

2. SPILL REPORTED BY : T.O.SHEPKER TIME2: 8:30 AM

3. MATERIAL SPILLED : REGENERATED 18% HYDROCHLORIC ACID

4. LOCATION OF SPILL : ACID REGENERATION PLANT TANK FARM

WATERWAY AFFECTED : MAHONING RIVER

OUTFALL NO.: Storm Water only outfall

5. DISCHARGE QUANTITY : 200 to 300 gallons on ground, 2 to 10 gallons to the river.

## 6. AGENCY NOTIFICATIONS

DEPA EMER RESPONSE DATE : 11/11/92

(800-282-9378) TIME : 9:47 AM

DEPA CONTACT : Gerry Cauley

DEPA NO. : 9211-78-4786

HOWLAND FIRE DEPT.

CHIEF JOHN ROWLAND

Dept. notified at

10:00 AM, called

back for details

at 10:30 AM.

NAT RESP CENTER DATE : 11/11/92

(800-424-8802) TIME: 9:42 AM

NRC CONTACT: Yuska

NRC NO : 144319

## DEPA REGIONAL OFFICE:

(216-425-9171) TIME: 9:46

11:00 AM

DEPA REGIONAL CONTACT: Recording - No one in today

Jim Erwin

DATE: 11/11/92

11/11/92

## TRUMBULL CO EMERGENCY MGMT AGENCY:

(392-6777) TIME : 9:55 AM

COUNTY CONTACT : Recording - Left details on voice mail

DATE : 11/11/92

6. AFFECTS ON HUMAN HEALTH OR ENVIRONMENT: None

7. CAUSE OF INCIDENT: Regenerated acid tank top section failed. Under investigation. Vent line submerged in acid, and overflow to spent acid sump under rain water caused tank to pressurize while filling and be under a vacuum while emptying. This flexing of the side walls fatigued them causing the eventual failure.

8. CONTAINMENT AND CLEANUP INITIATED: Immediately 8:05 AM. Acid around tank farm was hosed into the pump sump. At 8:25 AM lime was dumped on top of the catch basin leading to river. 9:00 AM Vacuum truck ~~XXXXXX~~ began pumping residual acid/rain water and taking it to our waste water treatment plant.

9. CORRECTIVE ACTION TAKEN: The spilled acid was cleaned up where possible, neutralized and cleaned up where it could not be recovered. The tank was taken down and cleaned for disposal. The remaining 11 tanks were inspected to make sure their vent lines were clear to prevent a future occurrence.

DATE LETTER REC'D FROM AGENCY:

INCIDENT CLOSED:

BY:

DATE LETTER SENT TO AGENCY: 11/17/92

007756



**WCI STEEL**

September 16, 1992

RECEIVED

Mr. Ermelindo Gomes  
Ohio Environmental Protection Agency  
Northeast District Office  
2110 East Aurora Road  
Twinsburg, Ohio 44087

Ohio Environmental Protection Agency  
Emergency Response  
P. O. Box 1049  
Columbus, Ohio 43266-0149

Gentlemen:

Unauthorized Discharge #9209-78-4061

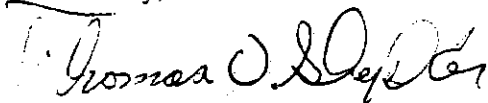
The twelve inch line from the Blast Furnace recycle water system primary separator to the flight conveyor pit plugged at about 1:00 PM on September 15, 1992. The Blast Furnace was casting and could not shut down until the cast was complete (2:55 PM) without damaging the furnace. After shutdown, it took until 4:00 PM for all water flow to cease.

The area around the sump was diked and vacuum trucks were used to pump out the sump to limit the overflow. The remaining water, which was escaping, was directed to a manhole which operating believed went to the flight conveyor pit. It was during a review of the incident the following day that we checked the location of the catch basin and found out it flowed to outfall 013. We immediately contacted your agency. Outfall 013 was being monitored the afternoon of September 15, 1992.

To prevent reoccurrence, a manhole will be installed at the 90° bend where the blockage occurred. This will allow routine cleaning of the line. A second line will be installed if feasible from the primary separator to a manhole down stream from where the blockage occurred.

If you have any questions or need additional information, please call me at (216) 841-8200. A copy of our internal discharge report is attached.

Sincerely,



Thomas O. Shepker  
Manager  
Environmental Control

TOS/ymt

Attachment

007752

c: M. Lantner P. Schillawski, B. Sherwood

WCI Steel, Incorporated  
1040 Pine Avenue, SE  
Warren, OH 44483-6528  
(216) 841-8000

\*\*\*\*\*

1. DATE OF DISCHARGE : 9/15/92 TIME1: 1:00 PM

2. SPILL REPORTED BY : T.O.SHEPKER TIME2: 4:00 PM

3. MATERIAL SPILLED : UNTREATED BLAST FURNACE RECYCLE WATER

4. LOCATION OF SPILL : BLAST FURNACE

WATERWAY AFFECTED : MAHONING RIVER

OUTFALL NO.: 3ID00071013

5. DISCHARGE QUANTITY : 400 GPM MINUS WHAT WAS COLLECTED IN VACUUM TRUCKS AND DIKED.

6. AGENCY NOTIFICATIONS

DEPA EMER RESPONSE DATE : 9/16/92

(800-282-9378) TIME : 9:53 AM

DEPA CONTACT : JULIE SMITH

DEPA NO. : 9209-78-4061

NAT RESP CENTER DATE :

(800-424-8802) TIME:

NRC CONTACT:

NRC NO :

DEPA REGIONAL OFFICE:

(216-425-9171) TIME: 9:56 AM

DEPA REGIONAL CONTACT: ERM GOMES

DATE: 9/16/92

TRUMBULL CO EMERGENCY MGMT AGENCY:

(392-6777) TIME :

COUNTY CONTACT :

DATE :

6. AFFECTS ON HUMAN HEALTH OR ENVIRONMENT: NONE

7. CAUSE OF INCIDENT: BLOCKAGE IN THE WATER LINE FROM THE PRIMARY SEPARATOR TO THE FLIGHT CONVEYOR TANKS. THE FURNACE WAS CASTING AND WAS UNABLE TO SHUT DOWN UNTIL THE CAST WAS COMPLETE AT 2:55 PM. THE WATER HAD TOTALLY CEASED FLOWING BY 4:00 PM. THE AREA AROUND THE PRIMARY SEPARATOR SUMP WHICH OVERFLOWED WAS DIKED WHICH CONTAINED THE HEAVY SOLIDS AND SEVERAL THOUSAND GALLONS OF WATER. VACUUM TRUCKS WERE USED TO COLLECT AS MUCH WATER AS POSSIBLE AND TRANSPORT IT TO THE FLIGHT CONVEYOR PIT.

8. CONTAINMENT AND CLEANUP INITIATED: 1:10 PM 9/15/92

COMPLETE: 10:00 AM 9/16/92

9. CORRECTIVE ACTION TAKEN: A MANHOLE WILL BE INSTALLED IN THE AREA OF THE BLOCKAGE SO THAT THE LINE CAN BE CLEANED DURING NORMAL MAINTENENCE AND QUICKLY IF IT BECOMES BLOCKED. ITSTALLATION OF A SECOND LINE FROM THE PRIMARY SEPARATOR TO THE WATER TREATMENT PLANT WILL BE REVIEWED BE ENGINEERING FOR FEASIBILITY.

DATE LETTER REC'D FROM AGENCY:

007753

INCIDENT CLOSED:

BY:

DATE LETTER SENT TO AGENCY: 9/16/92



September 14, 1992

Mr. Ermelindo Gomes  
Ohio Environmental Protection Agency  
Northeast District Office  
2110 East Aurora Road  
Twinsburg, Ohio 44087

Ohio Environmental Protection Agency  
Emergency Response  
P. O. Box 1049  
Columbus, Ohio 43266-0149

Gentlemen:

Unauthorized Discharge #9209-78-3933

While sampling our NPDES, sampler noticed a slight oil sheen coming from outfall 002 and projecting a couple meters into the Mahoning River. The sampler called the weekend environmental supervisor who came in and investigated the sheen by checking manholes which lead to outfall 002. Nothing was found and the sheen stopped after 2 hours.

The mill was down an extra day for the Labor Day holiday and we believe this may have caused water levels to drop sufficiently to allow hydraulic oil from the August 7, 1992 discharge to be released from some internal pocket and cause the momentary sheen.

Sincerely,

*Thomas O. Shepker (R-L)*

Thomas O. Shepker  
Manager  
Environmental Control

TOS/yt

cc: Murray Lantner  
Phil Schillawski

**RECEIVED**  
SEP 18 1992  
COMPLIANCE SECTION

007750

\*\*\*\*\*

1. DATE OF DISCHARGE : 9/7/92 TIME1:10:20 AM

2. SPILL REPORTED BY : D.W.MUSOLF TIME2:12:00 AM

3. MATERIAL SPILLED : SLIGHT OIL SHEEN

4. LOCATION OF SPILL : COATED PRODUCTS OUTFALL

WATERWAY AFFECTED : MAHONING RIVER

OUTFALL NO.: 3ID00071002

5. DISCHARGE QUANTITY : SLIGHT SHEEN (TRACE).

6. AGENCY NOTIFICATIONS

OEPA EMER RESPONSE DATE : 9/7/92  
(800-282-9378) TIME : 11:15 AM

OEPA CONTACT : ZAK CLAYTON  
OEPA NO. : 9209-78-3933

NAT RESP CENTER DATE :  
(800-424-8802) TIME :  
NRC CONTACT :  
NRC NO :

OEPA REGIONAL OFFICE:ANSWERING MACHINE  
(216-425-9171) TIME:11:20 AM  
OEPA REGIONAL CONTACT :  
DATE:9/7/92

TRUMBULL CO EMERGENCY MGMT AGENCY:  
(392-6777) TIME :  
COUNTY CONTACT :  
DATE :

6. AFFECTS ON HUMAN HEALTH OR ENVIRONMENT: NONE

7. CAUSE OF INCIDENT: WE BELEAVE THAT BECAUSE OF THE THREE DAY WEEK END THE WATER LEVEL IN THE PIPES LEADING TO #002 OUTFALL DROPPED SUFFICIENTLY TO ALLOW A POCKET OF OIL FROM THE RELEASE REPORTED ON 8/7/92 TO FLOW. THERE WAS NO ACTIVITY OF ANY KIND IN THE COATED PRODUCTS AREA ON 9/7/92. AN INVESTIGATION BY THE ONE SUPERVISOR ON DUTY AND THE WEEKEND ENVIRONMENTAL PERSON FOUND NOTHING.

8. CONTAINMENT AND CLEANUP INITIATED: NONE , THE SHEEN DISAPEARED BY 12:00 AM WHILE BEING INVESTIGATED.

COMPLETE:

9. CORRECTIVE ACTION TAKEN: NONE

007751

DATE LETTER REC'D FROM AGENCY:  
INCIDENT CLOSED:  
BY:

DATE LETTER SENT TO AGENCY: 9/14/92



# WCI STEEL

August 20, 1992

Mr. Ermelindo Gomes  
Ohio Environmental Protection Agency  
Northeast District Office  
2110 East Aurora Road  
Twinsburg, Ohio 44087

Ohio Environmental Protection Agency  
Emergency Response  
P. O. Box 1049  
Columbus, Ohio 43266-0149

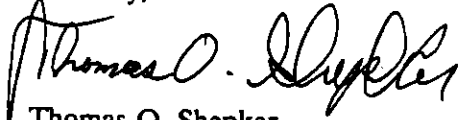
Gentlemen:

## Unauthorized Discharge #9208-78-3660

During maintenance by Ohio Edison of the evergreen electrical substation a 23,000 volt buss kicked out, dropping power to most of the mill. The 23,000 volt buss differential device sensed a difference in the voltages and kicked out. There were no problems discovered and the power was restored in less than a half hour. The failure is under investigation by WCI Steel and Ohio Edison.

If you need additional information, please call me at (216) 841-8200.

Sincerely,



Thomas O. Shepker  
Manager  
Environmental Control

yt

WCI Steel, Incorporated  
1040 Pine Avenue, SE  
Warren, OH 44483-6528  
(216) 841-8000

RECEIVED  
AUG 24 1992  
OHIO EPA/NEEDC

WCIW 01633

UNAUTH DISCH NO.: 1992 1

DATE: 8/21/92

B T.O.SHEPKER

\*\*\*\*\*

1. DATE OF DISCHARGE : 8/19/92 TIME1: 6:30 PM
2. SPILL REPORTED BY : R.GRADISHAR TIME2: 7:00 PM
3. MATERIAL SPILLED : UNTREATED BLAST FURNACE RECYCLE CONTACT WATER
4. LOCATION OF SPILL : BLAST FURNACE TREATMENT PLANT FLIGHT CONVEYOR PIT  
WATERWAY AFFECTED : MAHONING RIVER                      OUTFALL NO.: STORM WATER
5. DISCHARGE QUANTITY : APPROXIMATELY 1000 GAL.
6. AGENCY NOTIFICATIONS  
    OEPA EMER RESPONSE DATE : 8/20/92  
    (800-282-9378) TIME : 9:44 AM  
    OEPA CONTACT : MARCIE BURROW  
    OEPA NO. : 9208-78-3660

NAT RESP CENTER DATE :  
(800-424-8802) TIME:  
NRC CONTACT:  
NRC NO :

OEPA REGIONAL OFFICE:  
(216-425-9171) TIME: 9:48 AM  
OEPA REGIONAL CONTACT: ERM GOMES-PHONE MAIL  
DATE: 8/20/92

TRUMBLL CO EMERGENCY MGMT AGENCY:  
(392-6777) TIME :  
COUNTY CONTACT :  
DATE :

6. AFFECTS ON HUMAN HEALTH OR ENVIRONMENT: NONE
7. CAUSE OF INCIDENT: A MAJOR POWER FAILURE OCCURRED WHILE OHIO EDISON WAS PERFORMING MAINTENANCE ON THE ELECTRICAL SUBSTATION WHICH SUPPLIES WCI STEEL KNOCKING OUT A 23,000 VOLT BUSS AND SUBSEQUANTLY POWER TO MOST OF THE MILL. POWER WAS LOST TO THE INFLUENT PUMPS AT THE BLAST FURNACE RECYCLE WATER SYSTEM AS WELL AS THE RECIRCULATING PUMPS FOR THE WATER SYSTEM ALLOWING THE WATER IN THE PIPES TO DRAIN BACK TO THE FLIGHT CONVEYOR PIT EVENTUALLY CAUSING IT TO OVERFLOW FOR 20 TO 30 MINUTES.
8. CONTAINMENT AND CLEANUP INITIATED:NONE. WATER OVERFLOWED TO STORM WATER SEWER.

COMPLETE:

9. CORRECTIVE ACTION TAKEN: THE PUMPS WERE IMMEDIATELY RESTARTED AS SOON AS POWER WAS RESTORED.

DATE LETTER REC'D FROM AGENCY:  
INCIDENT CLOSED:  
BY:

DATE LETTER SENT TO AGENCY: 8/21/92

WCIW 01635

August 11, 1992

Mr. Ermelindo Gomes  
Ohio Environmental Protection Agency  
Northeast District Office  
2110 East Aurora Road  
Twinsburg, Ohio 44087

Ohio Environmental Protection Agency  
Emergency Response  
P. O. Box 1049  
Columbus, Ohio 43266-0149

Gentlemen:

Unauthorized Discharges #9207-78-3492 and 9207-78-3496

August 8, 1992 two discharges were called in by our Walter A. Toot. Discharge 9207-78-3492 involved a slight oil sheen noticed by Plant Security along the east side of the Mahoning river. After investigation of the outfalls, a sheen was noticed at outfalls 001 and 002 from our Coated Products Department. An inspection of the hydraulic equipment yielded an area near a pipe trench containing non contact cooling water which flows to outfalls 001 and 002 where oil dry (clay) had been spread on leaked oil. The oil dry was subsequently coming into contact with the non contact cooling water. The operating foreman was informed that the water in question flowed to non-contact outfalls and not the waste water treatment plant. The material was then cleaned up eliminating the problem. A pool of oil was also noted behind the oil boom in the Hot Mill lagoon causing a sheen on the discharge. Duke Sanitary was contacted and vacuumed up the oil which had overflowed the boom during a recent storm. We are presently looking at a boom which is significantly higher above the water and deeper in the water and has shore mounts to prevent leakage as the pond level varies. Mr. Jim Erwin of Ohio EPA called W. Toot at 2:00 pm to discuss the problem.

The second discharge occurred when the instrument air line at the Blast Furnace ruptured. The dump valves automatically close when there is no air pressure. The plant air was then hooked up allowing the valves to open. The head pressure caused from the build up of

007746

E. Gomes/Ohio EPA

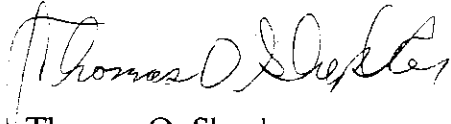
August 11, 1992

Page 2

water while the valves were closed forced water out of a manhole between the boiler house and Venturi pump house which ran into a catch basin and out outfall 013.

Copies of our in-house discharge reports are enclosed. If you have any questions, please call me at (216) 841-8200.

Sincerely,

A handwritten signature in cursive script, appearing to read "Thomas O. Shepker".

Thomas O. Shepker  
Manager  
Environmental Control

Enclosure

cc: M. Lantner, USEPA

007747

July 10, 1992

Mr. Ermelindo Gomes  
Ohio Environmental Protection Agency  
Northeast District Office  
2110 East Aurora Road  
Twinsburg, Ohio 44087

Ohio Environmental Protection Agency  
Emergency Response  
P. O. Box 1049  
Columbus, Ohio 43266-0149

Gentlemen:

**SUBJECT:** Unauthorized Discharge of Untreated Waste Water on June 18, 1992 from the Blast Furnace Recycle Treatment Plant, on July 8, 1992 from the BOF line to the Central Waste Water Treatment Plant (CWWTP) and on July 10, 1992 from the Finishing Mills pipeline to the CWWTP.

June 18, 1992 at about 6:00 AM lightning struck a transformer and ignited a power pole along the public road adjacent to our facility. Power was lost in sections of the plant until 11:00 AM. The lightning strike caused a breaker at our power house to kick out. This breaker shut down the pumps at our Blast Furnace Recycle Water System flight conveyors. The flight conveyors overflowed to river for approximately eight (8) minutes until power was restored allowing approximately 800 gallons of untreated waste water to reach the Mahoning River. A copy of the unauthorized discharge report is enclosed.

July 8, 1992 at 7:00 AM the three inch waste water line from the BOF Shop to the CWWTP ruptured just outside the CWWTP building. The leak was discovered and the BOF was called and shut down the pumps at 7:15 AM. Approximately 1,500 gallons of untreated BOF process water emerged from the ground near the break and ran to a catch basin which flows to outfall 013. The pipe was replaced July 9, 1992. A copy of the unauthorized discharge report is enclosed.

July 10, 1992 at 7:25 AM the pipe conveying finishing mills waste water from the #6 pond waste water lagoon to the CWWTP ruptured along South Main Street. An operator was sent to #6 pond and shut down the pumps at 7:37 AM. A vacuum truck working in the plant at that time was immediately dispatched and vacuumed up 2,000 gallons of the waste



OEPA  
Untreated Water Discharge  
July 10, 1992

water which he discharged in the CWWTP sump. When he returned the rest of the water had dissipated. Approximately 11,000 gallons of untreated finishing mill waste water reached the Mahoning River through a catch basin to outfall 013 and across South Main Street directly to river. A copy of the unauthorized discharge report is attached.

If you have any questions, please call me at (216) 841-8200

Sincerely,

A handwritten signature in cursive script, appearing to read "Thomas O. Shepker".

Thomas O. Shepker  
Manager  
Environmental Control

ymt





\*\*\*\*\*

1. DATE OF DISCHARGE : 6/18/92 TIME1: 6:03AM

2. SPILL REPORTED BY : R.GRADISHARTIME2: 6:11AM

3. MATERIAL SPILLED : UNTREATED BLAST FURNACE RECYCLE WATER

4. LOCATION OF SPILL : BLAST FURNACE RECYCLE FLIGHT CONVEYORS

WATERWAY AFFECTED : MAHONING RIVER

OUTFALL NO.: STORM WATER

5. DISCHARGE QUANTITY : 800 GALLONS

6. AGENCY NOTIFICATIONS

DEPA EMER RESPONSE DATE : 6/18/92

(800-282-9378) TIME : 2:10PM

DEPA CONTACT : MARCIE BURROW

DEPA NO. : 9206-78-2584

NAT RESP CENTER DATE : NOT REQUIRED

(800-424-8802) TIME:

NRC CONTACT:

NRC NO :

DEPA REGIONAL OFFICE:

(216-425-9171) TIME: 2:15PM

DEPA REGIONAL CONTACT: E.GOMES-VOICE MAIL

DATE: 6/18/92

TRUMBULL CO EMERGENCY MGMT AGENCY: NOT REQUIRED

(392-6777) TIME :

COUNTY CONTACT :

DATE :

6. AFFECTS ON HUMAN HEALTH OR ENVIRONMENT: NONE

7. CAUSE OF INCIDENT: POWER FAILURE TO FLIGHT CONVEYOR PUMPS CAUSED BY ELECTRICAL STORM WHICH ALLOWED FLIGHT CONVEYOR PIT TO FILL AND OVERFLOW. POWER WAS RESTORED AS SOON AS POSSIBLE.

8. CONTAINMENT AND CLEANUP INITIATED:

COMPLETE:

9. CORRECTIVE ACTION TAKEN: AN OVERFLOW ALARM WAS INSTALLED ON THE FLIGHT CONVEYOR OVERFLOW.

DATE LETTER REC'D FROM AGENCY:

INCIDENT CLOSED:

BY:

DATE LETTER SENT TO AGENCY: 7/10/92



\*\*\*\*\*

1. DATE OF DISCHARGE : 7/8/92 TIME1: 7:00AM
2. SPILL REPORTED BY : R.GRADISHARTIME2: 7:15AM
3. MATERIAL SPILLED : UNTREATED BOF PROCESS WATER
4. LOCATION OF SPILL : CATCH BASIN LOCATED ADJACENT TO CWWT PLANT  
WATERWAY AFFECTED : MAHONING RIVER                      OUTFALL NO.: 3ID0071013
5. DISCHARGE QUANTITY : 1500 GALLONS
6. AGENCY NOTIFICATIONS  
    DEPA EMER RESPONSE DATE : 7/8/92  
    (800-282-9378)              TIME : 10:55AM  
    DEPA CONTACT : AMY AXON  
    DEPA NO. : 07-78-2884

NAT RESP CENTER DATE : NOT REQUIRED  
(800-424-8802) TIME:  
NRC CONTACT:  
NRC NO :

DEPA REGIONAL OFFICE:  
(216-425-9171) TIME: 10:50AM  
DEPA REGIONAL CONTACT: ERM GOMES  
DATE: 7/8/92

TRUMBULL CO EMERGENCY MGMT AGENCY: NOT REQUIRED  
(392-6777) TIME :  
COUNTY CONTACT :  
DATE :

6. AFFECTS ON HUMAN HEALTH OR ENVIRONMENT: NONE

7. CAUSE OF INCIDENT: PIPE FROM BOF TO CWWTF RUPTURED ADJACENT TO THE TREATMENT PLANT.

8. CONTAINMENT AND CLEANUP INITIATED: 7:15AM ON 7/8/92

COMPLETE: 3:00PM ON 7/9/92

9. CORRECTIVE ACTION TAKEN: PUMPS WERE SHUT DOWN. THE LINE WAS EXCAVATED AND THE FAILED SECTION WAS REMOVED AND REPLACED.

DATE LETTER REC'D FROM AGENCY:  
INCIDENT CLOSED:  
BY:

DATE LETTER SENT TO AGENCY: 7/10/92



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1. DATE OF DISCHARGE : 7/10/92 TIME1: 7:25
2. SPILL REPORTED BY : R.GRADISHARTIME2: 7:37
3. MATERIAL SPILLED : UNTREATED PROCESS WATERS FROM THE FINISHING MILLS
4. LOCATION OF SPILL : ADJACENT TO S.MAIN STREET AT THE BLAST FURNACE GATE

WATERWAY AFFECTED : MAHONING RIVER                      OUTFALL NO.: 013 AND RIVER  
BANK

5. DISCHARGE QUANTITY : 11,000 GALLONS
6. AGENCY NOTIFICATIONS  
    DEPA EMER RESPONSE    DATE : 7/10/92  
    (800-282-9378)        TIME : 9:25AM  
                          DEPA CONTACT : AMY AXON  
                          DEPA NO. : 07-50-2916

NAT RESP CENTER    DATE : NOT REQUIRED  
    (800-424-8802) TIME:  
                    NRC CONTACT:  
                    NRC NO :

DEPA REGIONAL OFFICE:  
    (216-425-9171) TIME: 9:15AM  
DEPA REGIONAL CONTACT: ERM GOMES  
                          DATE: 7/10/92

TRUMBLL CO EMERGENCY MGMT AGENCY: NOT REQUIRED  
    (392-6777) TIME :  
                    COUNTY CONTACT :  
                    DATE :

6. AFFECTS ON HUMAN HEALTH OR ENVIRONMENT: NONE

7. CAUSE OF INCIDENT: THE PIPE COMING FROM THE WASTE WATER LAGOON RUPTURED WHERE IT HAD BEEN CONTACTED BY A HIGH PRESSURE NATURAL GAS LINE WHICH EAST OHIO GAS HAD INSTALLED SEVERAL YEARS AGO.

8. CONTAINMENT AND CLEANUP INITIATED: 7:37AM

COMPLETE: 8:30AM

9. CORRECTIVE ACTION TAKEN: A VACUUM TRUCK WAS USED TO COLLECT AS MUCH OF THE WASTE WATER AS POSSIBLE. THE LINE WAS PATCHED AND PLACED BACK IN SERVICE AT 3:00PM 7/10/92. A SPACE WAS LEFT BETWEEN THE WASTE WATER PIPE AND THE HIGH PRESSURE GAS LINE TO PREVENT REOCCURANCE.

DATE LETTER REC'D FROM AGENCY:  
INCIDENT CLOSED:

BY:

DATE LETTER SENT TO AGENCY: 7/10/92



April 20, 1992

Mr. Ermelindo Gomes  
Ohio Environmental Protection Agency  
Northeast District Office  
2110 East Aurora Road  
Twinsburg, Ohio 44087

Ohio Environmental Protection Agency  
Emergency Response  
P. O. Box 1049  
Columbus, Ohio 43266-0149

Gentlemen:

SUBJECT: Unauthorized Discharge of  
Untreated Blast Furnace Waste Water

Enclosed, please find a copy of the unauthorized discharge which occurred at WCI Steel, Inc. on April 8, and April 9, 1992.

The discharge occurred when a partial blockage of the influent line to the flight conveyor pit released, which allowed more sludge than the two flight conveyors could handle to flow into the pits. One conveyor was being worked on at that time and the other failed under the sudden load, allowing sludge to plug one of the influent pumps. The second pump was unable to keep up with the volume of water flowing into the pits and allowed the pits to overflow to a catch basin in the rainwater collection system at the north side of the Blast Furnace Waste Water Treatment Plant. These catch basins drain to a storm water outfall.

To prevent re-occurrence, a 4' long by 18" diameter pipe is being welded into the overflow vertically to allow an additional four feet of freeboard in the pits. This should give us sufficient surge capacity for one pump to keep up with the normal flow. Engineering is working on redesigning the primary sludge collection system, because of the considerable maintenance required to maintain the flight conveyors.

007742

WCI Steel, Incorporated  
1040 Pine Avenue, SE  
Warren, OH 44483-6528  
(216) 841-8000

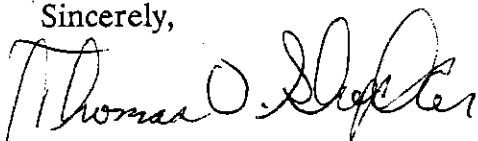
RECEIVED  
APR 22 1992  
EPA-N.E.D.O.

Unauthorized Discharge of  
Untreated Blast Furnace Waste Water

Page 2  
April 20, 1992

If you have any questions or need additional information, please call me at (216) 841-8200  
or Dick Gradishar at (216) 841-8201.

Sincerely,

A handwritten signature in dark ink, appearing to read "Thomas O. Shepker". The signature is fluid and cursive, with the first name "Thomas" being the most prominent.

Thomas O. Shepker  
Manager  
Environmental Control

cdk

Enclosure

c: B. J. Mitchell  
R. A. Zeuner  
W. G. Sherwood  
R. J. Gradishar

File:UNTRBLAS.LET

007743



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1. DATE OF DISCHARGE : 4/8-9/92 TIME1: 7:00PM

2. SPILL REPORTED BY : R.GRADISHARTIME2: 6:30AM

3. MATERIAL SPILLED : UNTREATED BLAST FURNACE RECYCLE WATER

4. LOCATION OF SPILL : BLAST FURNACE RECYCLE TREATMENT PLANT

WATERWAY AFFECTED : MAHONING RIVER

OUTFALL NO.: STORM WATER

5. DISCHARGE QUANTITY : 25GPM . TOTAL 17.250 GALLONS

6. AGENCY NOTIFICATIONS

DEPA EMER RESPONSE DATE : 4/9/92

(800-282-9378) TIME : 1:30 PM

DEPA CONTACT : MARCIE BURROW

DEPA NO. : 9204-78-1301

NAT RESP CENTER DATE : NOT REQUIRED.NO REQ

(800-424-8802) TIME:

NRC CONTACT:

NRC NO :

DEPA REGIONAL OFFICE:

(216-425-9171) TIME: 1:40 PM

DEPA REGIONAL CONTACT: E.GOMES,NOT IN.VOICE MAIL.

DATE: 4/9/92

TRUMBULL CO EMERGENCY MGMT AGENCY: NOT REQUIRED

(392-6777) TIME :

COUNTY CONTACT :

DATE :

6. AFFECTS ON HUMAN HEALTH OR ENVIRONMENT: NONE

7. CAUSE OF INCIDENT: SLUDGE BUILD UP IN FLIGHT CONVEYOR PITS FROM FAILED CONVEYORS ALLOWED SLUDGE TO PARTIALLY BLOCK INFLUENT PUMP CAUSING PITS TO OVERFLOW TO STORM WATER OUTFALL.

8. CONTAINMENT AND CLEANUP INITIATED:

COMPLETE:

9. CORRECTIVE ACTION TAKEN: A 4' x 18" VERTICLE PIPE WILL BE INSTALLED IN THE OVERFLOW OPENING FOR AN ADDITIONAL 4' OF FREEBOARD.THIS WILL ALLOW CONSIDERABLY MORE TIME FOR MAINTENENCE OF PITS AND PUMPS AND ALLOW ONE PUMP TO KEEP UP WITH FLOW. ENGINEERING WILL LOOK AT REDESIGNING SYSTEM TO PREVENT REDOCCURANCE.

DATE LETTER REC'D FROM AGENCY:

INCIDENT CLOSED:

BY:

DATE LETTER SENT TO AGENCY: 4/20/92

007744





April 8, 1992

Mr. Ermelindo Gomes  
Ohio Environmental Protection Agency  
Northeast District Office  
2110 East Aurora Road  
Twinsburg, Ohio 44087

Ohio Environmental Protection Agency  
Emergency Response  
P. O. Box 1049  
Columbus, Ohio 43266-0149

Mr. Mark Horwitz (5HS-26)  
U.S. EPA, Region V  
230 South Dearborn Street  
Chicago, Illinois 60604

Mr. Joseph V. Bartlomain  
Trumbull County Emergency Response  
176 Chestnut Avenue, NE  
Warren, Ohio 44483

Gentlemen:

SUBJECT: Unauthorized Discharge of Boiler Water Inhibitor on March 20, 1992  
NRC #111262 and Ohio EPA #9203-78-1040

Enclosed, please find a copy of the unauthorized discharge which occurred at WCI Steel, Inc., on March 20, 1992.

A vapor flash tank in the basement of our power generating facility exploded, hurling a 15 gallon container of inhibitor, used for boiler water treatment, across the basement. The container hit the opposite wall and ruptured. It was during clean up operations, about 5½ hours after the incident, that the ruptured container was found. Clean up was begun immediately and the various Agencies were notified as soon as the material was contained.

The vapor flash tanks at the Boiler House have been taken out of service and Engineering is working on a design modification to prevent failures. The chemicals were also relocated to prevent reoccurrence.

If you have any questions, or need additional information, please call me at (216) 841-8200.

Sincerely,

Thomas O. Shepker  
Manager  
Environmental Control

007738

File:UNAUDISCL

RECEIVED  
APR 13 1992  
COLUMBUS, OH

UNAUTH DISCH NO.: 1992-01

DATE: 04/08/92

BY: T.O.SHEPKER

- \*\*\*\*\*
1. DATE OF DISCHARGE : 03/20/92 TIME1: 12:20 PM START
  2. SPILL REPORTED BY : R.GRADISHARTIME2: 12:30 PM FINISH
  3. MATERIAL SPILLED : NALCO TRI-ACT 1820 INHIBITOR
  4. LOCATION OF SPILL : WCI BOILER HOUSE BASEMENT

WATERWAY AFFECTED : MAHONING RIVER

OUTFALL NO.: 3ID00071013

5. DISCHARGE QUANTITY : 10 GALLONS

6. AGENCY NOTIFICATIONS

DEPA EMER RESPONSE DATE : 03/20/92

(800-282-9378) TIME : 07:15 PM

DEPA CONTACT : TOM BUCHAN

DEPA NO. : 9203-78-1040

NAT RESP CENTER DATE : 03/20/92

(800-424-8802) TIME: 07:20 PM

NRC CONTACT: PETTY OFFICER EVANSON

NRC NO : 111262

DEPA REGIONAL OFFICE:

(216-425-9171) TIME: 07:30 PM

DEPA REGIONAL CONTACT: RECORDING

DATE: 03/20/92

TRUMBLL CO EMERGENCY MGMT AGENCY:

(392-6777) TIME : 07:35 PM

COUNTY CONTACT : RECORDING

DATE : 03/20/92

6. AFFECTS ON HUMAN HEALTH OR ENVIRONMENT: NONE

7. CAUSE OF INCIDENT: EXPLOSION OF A VAPOR FLASH TANK IN THE POWER HOUSE BASEMENT HURLED A 15 GALLON CONTAINER OF INHIBITOR ACROSS THE BASEMENT. STRIKING THE OPPOSITE WALL AND RUPTURING. SPILLING ABOUT 10 GAL NEAR A FLOOR DRAIN.

8. CONTAINMENT AND CLEANUP INITIATED: 06:00 PM 03/20/92

COMPLETE: 07:00 PM 03/20/92

9. CORRECTIVE ACTION TAKEN: THE INHIBITOR WAS RELOCATED TO PREVENT OCCURANCE. THE VAPOR FLASH TANKS WERE TAKEN OUT OF SERVICE AND ARE BEING ENGINEERED BEFORE BEING PLACED BACK IN SERVICE.

DATE LETTER REC'D FROM AGENCY:

INCIDENT CLOSED:

BY:

DATE LETTER SENT TO AGENCY: 04/08/92

007739

I.D. Number 04-78-1301

☐ Confidential Status Requested/Enforcement Sensitive

Time & Date Reported 1330 4-9 Discovered \_\_\_\_\_ Occurred 1900 4-8

Reported by (Name) Richard Goodishar Title Env. Eng.

Telephone 216-841-8201 Entity Reporting: Co. Did Spiller Report? ☒ N Complaint? ☒ N

Suspected Spiller WCI Steel Inc Telephone \_\_\_\_\_

Mailing Address 1040 Pine Ave SE Warren OH 44483

Location of Spill: (County) Trembly (Town/TWP) Warren (Section) \_\_\_\_\_

(Street Location) 1040 Pine Ave SE (Lat & Long) \_\_\_\_\_

Product Spilled untreated recycled water Amount unk RO? \_\_\_\_\_ Type: 0 Size: L

Product Spilled \_\_\_\_\_ Amount \_\_\_\_\_ RO? \_\_\_\_\_ Type: \_\_\_\_\_ Size: \_\_\_\_\_

Sources of Spill blast furnace TP developed overload 111 Size: L Priority: 4

Areas Affected Waterway/Topography: A LOW G 0 N Mahoning River Weather \_\_\_\_\_

Exposure Potential 1-N-3-E Protection Level A-B-C-D

caused overflow

got pumped fixed @ 630 4-9

Did You Tell Spiller To Call: The N.R.C.? ☒ N (1-800-424-8802, Washington, D.C.)

The Local EPC? ☒ N (# in Duty Book)

District	Send Copy	Time & Date	Talked to
<u>NE</u>	<input type="checkbox"/>		
1. USEPA 2. USCG	<input type="checkbox"/>		
3. SFM (752-7538) 4. ORSANCO	<input type="checkbox"/>		
5. OONR Wildlife	<input type="checkbox"/>		
<input checked="" type="checkbox"/> 6. DWPC or DAPC	<input checked="" type="checkbox"/>		<u>Keith Riley/Heidi Sonin</u>
7. OPDW 8. DSHWM	<input type="checkbox"/>		
10. ODH 11. ODA	<input type="checkbox"/>		
12. PUCO	<input type="checkbox"/>		
13. PIC (4-2160)	<input type="checkbox"/>		
14. Local APC 15. Co HD	<input type="checkbox"/>		
16. PD 17. FD	<input type="checkbox"/>		
18. OEMA 20. DO&G	<input type="checkbox"/>		
21. DWQPA 23. DGW	<input type="checkbox"/>		
24. LEPC 25. PCB	<input type="checkbox"/>		
26. RRS/SIS	<input type="checkbox"/>		
	<input type="checkbox"/>		
	<input type="checkbox"/>		

007745

(revised 1-91)  
EPA 0300

Business: ☒ N SARA Report: ☒ N District: ☒ N Received by: Marilyn Gammell





State of Ohio Environmental Protection Agency

P.O. Box 1049, 1800 WaterMark Dr.  
Columbus, Ohio 43266-0149  
(614) 644-3020  
FAX (614) 644-2329

**RECEIVED**

JUL 25 1991

Warren Consolidated Industries, Inc.  
Environmental Control

George V. Voinovich  
Governor

July 23, 1991

Thomas O. Shepker, Manager  
Environmental Control  
Warren Consolidated Industries, Inc.  
1040 Pine Ave. SE  
Warren, Ohio 44483-6528

Dear Mr. Shepker:

You submitted a letter (May 31, 1991), and associated information, to me on a proposal to use iron oxide compounds, recycled from K062 wastes, as substitutes for virgin iron ore and iron ore pellets. This is to acknowledge receipt and review of this information. I also have received the information you faxed, as per our phone conversation of June 7, 1991.

In summary, your proposal involves feeding K062-reclaimed and sintered iron oxide into an on-site blast furnace to manufacture steel products. An intermediate step, you clarified in our phone conversation, involves sending the iron oxide to an off-site facility, under your company's ownership, in Youngstown, Ohio where you stated it will be incorporated with unregulated ("Bevill Exclusion") materials, and sintered. The sintered materials will then be returned to your facility and fed into a blast furnace.

There are three main issues affecting your recycling activities: (1) reclamation of iron oxide from K062 wastes, (2) the regulatory status of materials sent to the "sintering" facility, and (3) determination if iron oxide is actually being used as an effective substitute (eg. for iron ore).

The hydrochloric acid (HCL) regeneration unit, although intended for recovery of HCL also recovers iron oxide. Under 3745-51-02 (C) (3) of OAC, spent materials, such as K062 spent pickle liquor, which are reclaimed are considered solid wastes, thus K062 hazardous wastes since reclaimed materials are "derived from" listed hazardous wastes. The K062 spent pickle liquor is subject to regulation under 3745-51-06 (C) (1), if stored prior to reclamation, or 3745-51-06 (C) (2), if reclaimed without prior

Thomas O. Shepker  
Page Two

storage. It appears that the K062 spent pickle liquor is charged directly into the HCL unit and is not stored prior to recycling. Thus, the applicable rule governing this activity is 3745-51-06 (C) (2), requiring compliance with notification, and manifest and manifest discrepancy.

In our phone conversation of July 11, 1991, you clarified why and how the iron oxide will be sintered. You stated that iron oxide can be charged into the blast furnace as a separate ingredient and has iron recovery values equal or exceeding iron ore. You also stated that the benefits of sintering iron oxide are: (1) it enhances "dust" recovery and reintroduction of recovered "dust" into the sintering process, and (2) eliminates the need to transport large loads of blast furnace "dust" to the "sintering" facility for recycling.

Inspection of the data you provided seems to indicate that the iron oxide does resemble iron ore in composition. In addition, you stated that there is a market for the sintered material as blast furnace feed stock. The issue is complicated because iron oxide is mixed with other materials. Specifically, the composition of the product produced by sintering may deviate significantly from typical iron ore, thus violate the requirement that substitutes used in a production process resemble those which they replace.

Although you stated that the materials mixed with iron oxide are not regulated wastes, we requested additional information, specifically, on the waste status of these materials. After review of the requested information, and assuming previously specified conditions are met, we feel that the sintered materials are products, thus serve as effective substitutes for raw materials typically used in making steel, and are not regulated by RCRA once they are produced. The materials used in sintering, individually, also appear to meet the criteria as substitutes for raw ingredients in steel production.



Thomas O. Shepker  
Page Three

In summary, once iron oxide is reclaimed from the HCL unit, it is not regulated by RCRA, provided it is not disposed. This includes all subsequent activities such as transportation, sintering, and charge into the blast furnace. Bear in mind that this determination applies only to the subject matter discussed in this letter and should not be extrapolated to other waste management issues.

If you need further assistance please feel free to contact me or Mr. Ed Kitchen at (614) 644-2956. Thank you for contacting the Ohio EPA.

Sincerely,

*Arthur L. Coleman, Jr.*

Arthur L. Coleman, Jr.  
Technical Assistance Section  
Division of Solid and Hazardous Waste Management

ALC/pas

Attachment:

to 3745-69, and rules 3745-50-40 to 3745-50-62 of the Administrative Code, and the notification requirements of section 3010 of RCRA:

(1) A total of one kilogram of acute hazardous wastes listed in rules 3745-51-31, 3745-51-32, or paragraph (E) of rule 3745-51-33 of the Administrative Code;

(2) A total of one hundred kilograms of any residue or contaminated soil, waste, or other debris resulting from the clean-up of a spill, into or on any land or water, of any acute hazardous wastes listed in rules 3745-51-31, 3745-51-32, or paragraph (E) of rule 3745-51-33 of the Administrative Code.

[Comment: "Full regulation" means those rules applicable to generators of greater than one thousand kg of non-acutely hazardous waste in a calendar month.]

(F) In order for acute hazardous wastes generated by a generator of acute hazardous wastes in quantities equal to or less than those set forth in paragraph (E)(1) or (E)(2) of this rule to be excluded from full regulation under this rule, the generator must comply with the following requirements:

(1) Rule 3745-52-11 of the Administrative Code;

(2) The generator may accumulate acute hazardous waste on-site. If he accumulates at any time acute hazardous wastes in quantities greater than those set forth in paragraph (E)(1) or (E)(2) of this rule, all of those accumulated wastes are subject to regulation under Chapters 3745-52 to 3745-59, 3745-65 to 3745-69, and rules 3745-50-40 to 3745-50-62 of the Administrative Code, and the applicable notification requirements of section 3010 of RCRA. The time period of paragraph (D) of rule 3745-52-34 of the Administrative Code for accumulation of wastes on-site begins when the accumulated wastes exceed the applicable exclusion limit; and

(3) A conditionally exempt small quantity generator may either treat and/or dispose of his acute hazardous waste in an on-site facility or ensure delivery to an off-site storage, treatment, or disposal facility, either of which, if located in the U.S., is:

(a) Permitted under rules 3745-50-40 to 3745-50-62 of the Administrative Code;

(b) Operating pursuant to the provisions of division (F) of section 3734.02 of the Revised Code;

(c) Authorized to manage hazardous waste by a state with a hazardous waste management program approved by U.S. EPA pursuant to section 3006 of RCRA; or

(d) A facility which:

(i) In compliance with paragraph (E)(1) of rule 3745-51-02 or rule 3745-51-06 of the Administrative Code, beneficially uses or reuses, or legitimately recycles or reclaims its waste; or

(ii) In compliance with paragraph (E)(1) of rule 3745-51-02 or rule 3745-51-06 of the Administrative Code, treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation.

(G) In order for hazardous waste generated by a conditionally exempt small quantity generator in quantities of less than one hundred kilograms of hazardous waste during a calendar month to be excluded from full regulation under this rule, the generator must comply with the following requirements:

(1) Rule 3745-52-11 of the Administrative Code;

(2) The conditionally exempt small quantity generator may accumulate hazardous waste on-site. If he accumulates at any time more than a total of one thousand kilograms of his hazardous wastes, all of those accumulated wastes are

subject to regulation under the special provisions of Chapter 3745-52 of the Administrative Code applicable to generators of between one hundred kilograms and one thousand kilograms of hazardous waste in a calendar month, as well as the requirements of Chapters 3745-53 to 3745-59, and 3745-65 to 3745-69, rules 3745-50-40 to 3745-50-62 of the Administrative Code, and the applicable notification requirements of section 3010 of RCRA. The time period of paragraph (D) of rule 3745-52-34 of the Administrative Code for accumulation of wastes on-site begins for a conditionally exempt small quantity generator when the accumulated wastes exceed one thousand kilograms;

(3) A conditionally exempt small quantity generator may either treat and/or dispose of his hazardous waste in an on-site facility, or ensure delivery to an off-site storage, treatment or disposal facility, either of which, if located in the U.S., is:

(a) Permitted under rules 3745-50-40 to 3745-50-62 of the Administrative Code;

(b) Operating pursuant to the provisions of division (F) of section 3734.02 of the Revised Code;

(c) Authorized to manage hazardous waste by a state with a hazardous waste management program approved by U.S. EPA pursuant to section 3006 of RCRA; or

(d) A facility which:

(i) In compliance with paragraph (E)(1) of rule 3745-51-02 or rule 3745-51-06 of the Administrative Code, beneficially uses or reuses, or legitimately recycles or reclaims its waste; or

(ii) In compliance with paragraph (E)(1) of rule 3745-51-02 or rule 3745-51-06 of the Administrative Code, treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation.

(H) Hazardous waste subject to the reduced requirements of this rule may be mixed with non-hazardous waste and remain subject to these reduced requirements even though the resultant mixture exceeds the quantity limitations identified in this rule, unless the mixture meets any of the characteristics of hazardous waste identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code.

(I) If any person mixes a waste with a hazardous waste that exceeds a quantity exclusion level of this rule, the mixture is subject to full regulation.

(J) If a conditionally exempt small quantity generator's wastes are mixed with used oil, the mixture is subject to rules 3745-58-50 to 3745-58-70 of the Administrative Code if it is destined to be burned for energy recovery. Any material produced from such a mixture by processing, blending, or other treatment is also so regulated if it is destined to be burned for energy recovery.

HISTORY: Eff. 12-30-89 (1989-90 OMR 565)  
1988-89 OMR 445; 1986-87 OMR 364

Note: Effective 9-22-86, former 3745-51-05 (1985-86 OMR 666) was repealed.

#### CROSS REFERENCES

RC 3734.12, Guidelines for hazardous and solid waste rules and standards: disposal of certain wastes may be prohibited: rules may be more stringent than federal law

#### 3745-51-06 Requirements for recyclable materials

(A)(1) Hazardous wastes that are recycled are subject to the requirements for generators, transporters, and storage



**WARREN**

Consolidated Industries, Inc.

May 28, 1991

Mr. Ermelindo Gomes  
Ohio EPA  
Northeast District Office  
2110 East Aurora Road  
Twinsburg, Ohio 44087

Dear Mr. Gomes:

Ref: Compliance Evaluation Inspection  
Warren Consolidated Industries, Inc.  
NPDES Permit No. OH0101079  
Ohio EPA Permit No. 3ID00071

The slight oil sheen noted at Outfall 007 was the result of residual material washing out of the pipe from the discharge of March 22, 1991, which was reported to your office the following working day. The booms were left in place, in case any globs of oil were discharged, and are still in place. The source of the sheen was never identified and the sheen cleared a couple of days after the inspection.

Warren Consolidated Industries, Inc. (WCI) is awaiting an approved closure plan from the Ohio EPA for the #5 and #6 Ponds, before finalizing construction plans for the 4,000,000 gallon replacement tank. Tentative plans are to place the new tank system in operation in late 1993. The leakage from the #6 Pond is captured in a diked area and pumped back into the #6 Pond.

The slight oil sheen noted at internal Blooming Mill Outfall 604, and its river Outfall 010, was caused by an oil skimming mechanism problem which allowed oil to get into the clean well. The problem was corrected that day, and no oil sheen was visible at Outfalls 604 or 010 the following day.

The exceedances noted for our Outfalls in the Monthly Discharge Monitoring Reports were nearly all the results of appealed permit limits, which will not be exceedances under the final limits negotiated by WCI with OEPA. The new Draft NPDES Permit will be issued when the Pennsylvania Water Quality Lead issue is resolved.

007740

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JUN 03 1991  
OHIO EPA-N.E.D.O.

Mr. Ermelindo Gomes

Page 2

May 28, 1991

The flow measuring equipment for Outfalls 008, 010, 011, and 606 required in Part I, C-Item 3 of our NPDES Permit has been speced out, quoted and an Appropriation Request has been submitted. Engineering for the installation is complete. The equipment will be ordered and installation will be completed in October.

The use of "99" for sampling frequently on the monthly reports has been discontinued. On May 1, 1991, the code was revised to 301, with the 3 indicating a grab sample and the 01 being the frequency.

If you have any questions or need additional information, please call me at (216) 841-8200.

Sincerely,



Thomas O. Shepker  
Manager  
Environmental Control

cdf

c: J. V. Stack  
R. A. Zeuner  
R. J. Gradishar  
J. C. Magni

File:TOS-136

007741

March 5, 1991

Unauthorized Discharges

January 24, 1991

Oil at Outfall 007 reported last month. A letter was written to: OEPA Twinsburg, OEPA Columbus, USEPA Region V, and the Trumbull County Emergency Planning Committee.

January 30, 1991 to  
February 5, 1991

Notified by Security on February 5, 1991, at 3:00 a.m., of black material flowing into the Blast Furnace Pumphouse. Found to be blast furnace sludge being pumped out of the Blast Furnace Recycle System flight conveyor sump by Duke, and dumped behind the Blast Furnace. The practice was discontinued, the ditch was cleaned. The Agency was notified and a letter describing the incident was mailed to OEPA, Twinsburg.

February 22, 1991

OEPA notified of a possible oil and untreated finishing mill waste water discharge from a manhole along the river. The cause was an unusually high level of water in the #5 Pond which backed up the 36" sewer, creating enough back pressure when the #9 lift station pump came on to pop the manhole cover. A slab crop was placed on the cover to prevent a reoccurrence.





**WARREN**  
Consolidated Industries, Inc.

February 18, 1991

\* REVISED

Mr. Ermelindo Gomes  
Ohio Environmental Protection Agency  
Northeast District Office  
2110 East Aurora Road  
Twinsburg, Ohio 44087

Dear Mr. Gomes:

Warren Consolidated Industries, Inc. (WCI)  
Nonpoint, Non Outfall Discharge  
Discovered February 5, 1991

Per our phone conversation of February 12, 1991, I am providing the following account for the above incident.

\* Saturday, January 30, 1991, the Blast Furnace Maintenance Department discovered a blockage in the 12 inch line from the primary separator to the Blast Furnace Waste Water Recycle System (BFWRS), caused by bricks from the unit. The blockage was cleared and a great amount of solids was freed, flowing into the flight conveyor sump. The quick release of so great an amount of solids caused one flight conveyor to fail and the other to jam.

\* Duke Sanitary was called in at 9:00 a.m. on January 31, 1991, and told to vacuum out the flight conveyor sump solids and discharge them on the sludge and flue dust pile being stored for recycle in our Sinter Plant. The flue dust will absorb the excess water from the solids. The sludge and flue dust, including that in the flight conveyor tank, is from the Blast Furnace Gas Cleaning System.

Plant security notified Environmental Control that a black material was being drawn into our Blast Furnace river water intake on February 5, 1991. WCI Utilities notified the City of Warren Waste Water Treatment Plant of the black material and asked them if they were discharging from their lift station located just upstream of the intake. The city said they were not discharging to the river and that they had noticed the black material coming from a ditch along the edge of their lift station.

RECEIVED

FEB 22 1991

OHIO EPA-N.E.D.O.

Mr. Ermelindo Gomes  
Page 2  
February 18, 1991

WCI Environmental Control proceeded to the west side of the Blast Furnace area where the runoff from the ditch originates and found where Duke's Sanitary had dumped in a low area just north of the east end of the sludge and flue dust pile, which drained to the ditch in question.

Environmental personnel immediately notified Duke of his mistake, at 2:00 p.m. on February 5, 1991, and told him to cease this operation. Blast Furnace personnel were then located and notified. They sent a front end loader out to clean up all of the dumped sludge, place it on the pile, and clear a road so that Multipressure could vacuum the residual material from the ditch. The vacuuming of the stream continued until dark on February 5, 1991, and was completed on  
\* February 6, 1991.

I returned to my office after 5:00 p.m. on February 5, 1991, so I waited until February 6, 1991 to notify your office. During the four days that Multipressure worked on the plugged flight conveyors, approximately 70 truck loads, at 3000 gallons per truck, were dumped. We estimate that 30 to 40 percent of this material reached the river.

The ditch in question empties into the Mahoning River about 1000' upstream of Outfall 013. WCI will continue to clean this ditch as the material in question washes free.

If you have any questions or need additional information, please call me at (216) 841-8200.

Sincerely,



Thomas O. Shepker  
Manager  
Environmental Control

cdf  
#100

007737

c: WGS BJM RBV  
RAZ HS RJG





**WARREN**

Consolidated Industries, Inc.

February 13, 1991

Mr. Ermelindo Gomes  
Ohio Environmental Protection Agency  
Northeast District Office  
2110 East Aurora Road  
Twinsburg, Ohio 44087

Dear Mr. Gomes:

Warren Consolidated Industries, Inc. (WCI)  
Nonpoint, Non Outfall Discharge  
Discovered February 5, 1991

Per our phone conversation of February 12, 1991, I am providing the following account for the above incident.

Saturday, February 2, 1991, the Blast Furnace Maintenance Department discovered a blockage in the 12 inch line from the primary separator to the Blast Furnace Waste Water Recycle System (BFWRS), caused by bricks from the unit. The blockage was cleared and a great amount of solids was freed, flowing into the flight conveyor sump. The quick release of so great an amount of solids caused one flight conveyor to fail and the other to jam.

Duke Sanitary was called in at 9:00 a.m. and told to vacuum out the flight conveyor sump solids and discharge them on the sludge and flue dust pile being stored for recycle in our Sinter Plant. The flue dust will absorb the excess water from the solids. The sludge and flue dust, including that in the flight conveyor tank, is from the Blast Furnace Gas Cleaning System.

Plant security notified Environmental Control that a black material was being drawn into our Blast Furnace river water intake on February 5, 1991. WCI Utilities notified the City of Warren Waste Water Treatment Plant of the black material and asked them if they were discharging from their lift station located just upstream of the intake. The city said they were not discharging to the river and that they had noticed the black material coming from a ditch along the edge of their lift station.

007734

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FEB 19 1991  
OHIO EPA-N.E.D.O.

Mr. Ermelindo Gomes  
Page 2  
February 13, 1991

WCI Environmental Control proceeded to the west side of the Blast Furnace area where the runoff from the ditch originates and found where Duke's Sanitary had dumped in a low area just north of the east end of the sludge and flue dust pile, which drained to the ditch in question.

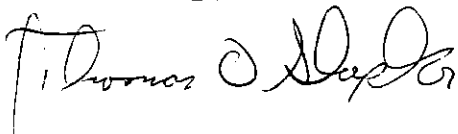
Environmental personnel immediately notified Duke of his mistake, at 2:00 p.m. on February 5, 1991, and told him to cease this operation. Blast Furnace personnel were then located and notified. They sent a front end loader out to clean up all of the dumped sludge, place it on the pile, and clear a road so that Multipressure could vacuum the residual material from the ditch. The vacuuming of the stream continued until dark on February 5, 1991, and was completed on October 6, 1991.

I returned to my office after 5:00 p.m. on February 5, 1991, so I waited until February 6, 1991 to notify your office. During the four days that Multipressure worked on the plugged flight conveyors, approximately 70 truck loads, at 3000 gallons per truck, were dumped. We estimate that 30 to 40 percent of this material reached the river.

The ditch in question empties into the Mahoning River about 1000' upstream of Outfall 013. WCI will continue to clean this ditch as the material in question washes free.

If you have any questions or need additional information, please call me at (216) 841-8200.

Sincerely,



Thomas O. Shepker  
Manager  
Environmental Control

cdf  
#100

c: WGS BJM RBV  
RAZ HS RJG

007735



## DEPARTMENTAL CORRESPONDENCE

SUBJECT: Flux Spill  
Coated Products

DATE: February 12, 1991

TO: T. O. Shepker  
Manager, Environmental Control

NO.:

On Sunday, 1/27/91, a flux spill occurred at the Warren Galvanize Line resulting in an out-of-compliance situation at the Water Treatment Plant. Flux is a zinc-ammonia chloride solution used in the galvanizing operation. An amber indicator light positioned outside the supervisor's office alerts the operator that flux is being transferred from the holding tank to the operating tank.

The operator involved in the shutdown turn reported that during his turn no flux was added to the operating tank. Concentration samples taken throughout the turn bear this fact out, and the operating supervisor is adamant that the light was not on at the end of the turn.

At the beginning of the repair turn, eight hours later, it was reported that the holding tank was empty. It is believed that sometime during the interim period the liquid was pumped over to the operating tank causing it to overflow into the basement. The liquid was then pumped by the sump in the basement over to the Treatment Plant. Concentration taken during the start-up turn indicates a percentage of flux concentrate in excess of twice the normal operating range. It should be noted that a maintenance supervisor who worked during the fire-watch period did not report any unusual occurrences in this area. It can only be assumed that someone must have turned on the transfer pump during the downturn causing the flux to overflow the operating tank. Estimated loss of flux was approximately 500 gallons.

As a result of this occurrence, the electrical outlet for the pump will be "locked out" during the downturn.

*W. C. Beinecke*

W. C. Beinecke  
Superintendent  
Coated Products

wcb:pss

c: JFR, DEL, File

007733



**WARREN**

Consolidated Industries, Inc.

February 6, 1991

Mr. Ermelindo Gomes  
Ohio Environmental Protection Agency  
Northeast District Office  
2110 East Aurora Road  
Twinsburg, Ohio 44087

Ohio Environmental  
Protection Agency  
Emergency Response  
P. O. Box 1049  
Columbus, Ohio 43266

Mr. Mark Horwitz (5HS-26)  
U.S. EPA, Region V  
230 South Dearborn Street  
Chicago, Illinois 60604

Trumbull County Emergency  
Response  
160 High Street  
Warren, Ohio 44481

Gentlemen:

Re: Unauthorized Discharge of  
Oil, January 24, 1991  
NRC #56385 and Ohio #1-78-0242

Enclosed, please find a copy of the Warren Consolidated Industries, Inc. (WCI) unauthorized discharge 1991-01, which occurred on January 24, 1991. There was oil noted on the river and the river boom was deployed. A small boom was also installed at Outfall #007. The river was high and the current swept most of the oil already on the river under the river boom. The boom at the outfall was very effective and the collected oil was removed with a vacuum truck whenever 5 or 6 ft<sup>2</sup> of oil scum accumulated.

The Rolling and Finishing Department maintenance people immediately removed all manhole covers and inspected the sewer for oil along with all sumps and basements. Nothing was found.

007730

RECEIVED  
FEB 11 1991  
OHIO EPA-N.E.D.O.

\*\*\*\*\*

1. DATE OF DISCHARGE : 1/24/91 TIME1: 10:30 AM
2. SPILL REPORTED BY : T.O.Shepker TIME2: 11:30 AM
3. MATERIAL SPILLED : Lube oil
4. LOCATION OF SPILL : Outfall 007

WATERWAY AFFECTED : Mahoning River

OUTFALL NO.: 007

5. DISCHARGE QUANTITY : 25 to 30 gallons

## 6. AGENCY NOTIFICATIONS

OEPA EMER RESPONSE DATE : 1/24/91

(800-282-9378) TIME : 2:42 PM

OEPA CONTACT : Pam Doener

OEPA NO. : 1-78-0242

NAT RESP CENTER DATE : 1/24/91

(800-424-8802) TIME: 2:30 PM

NRC CONTACT: Petty Officer Wiker

NRC NO : 56385

OEPA REGIONAL OFFICE:

(216-425-9171) TIME: 2:48 PM

OEPA REGIONAL CONTACT: Ermelindo Gomes

DATE: 1/24/91

TRUMBLL CO EMERGENCY MGMT AGENCY:

(392-6777) TIME : 2:45 PM

COUNTY CONTACT : Tina Snow

DATE : 1/24/91

6. AFFECTS ON HUMAN HEALTH OR ENVIRONMENT: None
7. CAUSE OF INCIDENT: Maintenance personnel checking all equipment near catch basins or with indirect cooling water. Still under investigation.
8. CONTAINMENT AND CLEANUP INITIATED: 11:00 AM, 1/24/91, booms across outfall 007 and the Mahoning River  
COMPLETE: River boom removed 1/25/91. Outfall boom still in place.
9. CORRECTIVE ACTION TAKEN:  
Incident still under investigation. The outfall boom will be left in place and replaced when necessary until cause of discharge is identified. Maintenance will continue to inspect the equipment and monitor oil usage until the cause is identified.

DATE LETTER REC'D FROM AGENCY:

INCIDENT CLOSED:

BY:

DATE LETTER SENT TO AGENCY: 2/6/91

007732



State of Ohio Environmental Protection Agency

Northeast District Office

10 E. Aurora Road  
Mansfield, Ohio 44887-1969  
(216) 963-1200 (216) 425-9171  
FAX (216) 487-0769

RECEIVED

APR 08 1991

Div. of Solid & Haz. Waste Mgt.

George V. Voinovich  
Governor

April 5, 1991

RE: WARREN CONSOLIDATED  
INDUSTRIES, INC.  
OHD 060 409 521  
#02-78-0184  
TRUMBULL COUNTY  
G-S-D

Mr. Thomas Shepker  
Manager, Environmental Control  
Warren Consolidated Industries, Inc.  
1040 Pine Avenue, S.E.  
Warren, Ohio 44483-6528

Dear Mr. Shepker:

Thank you for your submittal dated October 19, 1990.

Based upon the information you have provided, it appears that your facility is now in compliance for violations noted in the September 18, 1990, letter.

Sincerely,

Kristen M. Switzer  
Environmental Scientist  
Division of Solid and Hazardous Waste  
Management

KMS/fn

cc: Paul Anderson, DSHWM, NEDO  
Pam Allen, DSHWM, CO  
Laurie Stevenson, DSHWM, CO





**WARREN**

Consolidated Industries, Inc.

January 4, 1991

Mr. Ermelindo Gomes  
Ohio Environmental Protection Agency  
Division of Water Pollution Control  
Northeast District Office  
2110 East Aurora Road  
Twinsburg, Ohio 44087

Dear Mr. Gomes:

Process Overflow at  
Outfall 3ID00071009 on  
December 31, 1990

Pursuant to page 8 of 33, of NPDES Permit 3ID00071\*AD, we are reporting a process overflow through Outfall 3ID00071009. The overflow began at 9:00 a.m. on December 31, 1990 and concluded at 7:00 a.m. on January 1, 1991. The flow rate was 128.8 GPM and .17 MGD were released. The pH of the effluent during the overflow was 4.0. A sample was taken and will be used in the calculation of BAT Compliance for Outfall 3ID00071602 for December 31, 1990.

The overflow occurred when the Mahoning River reached flood stage on December 31, 1990. Flood stage for Warren, Ohio is 93.6', which was exceeded at 3:00 a.m. on December 31, 1990, with the river cresting at 95.5' at 2:00 p.m. on December 31, 1990. A copy of the Warren Consolidated Industries, Inc. (WCI) Security Flood Watch Report is enclosed.

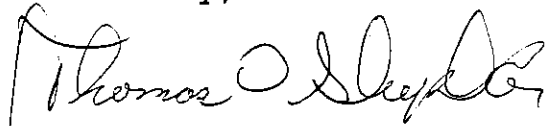
The #6 Pond overflowed through Outfall 3ID00071009 because of runoff from high rainfall, flooded basements and sumps being pumped to the Central Waste Water Treatment Plant (CWWTP), and the inadvertent opening of the valve at #5 Manhole allowing river water to flow into the #9 Lift Station. The combination of these events exceed the capacity of the CWWTP.

The finishing operations were shut down for the New Year Holiday, so that only a little of the water going to the CWWTP and overflowing to the river, at this time, was from processing. The CWWTP was operated at full capacity during the overflow to minimize the amount reaching the river. The valve in the #5 Manhole was chained and padlocked so that it can not be opened accidentally in the future.

Mr. Ermelindo Gomes  
Page 2  
January 4, 1991

If you have any questions or need additional information,  
please call me at (216) 841-8200.

Sincerely,

A handwritten signature in cursive script, appearing to read "Thomas O. Shepker".

Thomas O. Shepker  
Manager  
Environmental Control

cdf  
#84

Enclosure

007726





Security Department

WA-#1 Post

Plant

LT. Bailey

Date 1-1-91

From

Time

Subject

RIVER READING CONT.

1-1-91

12:30 a.m.	93.5"
1:30 a.m.	93.3"
4:00 a.m.	92.0"
6:50 a.m.	91'-0"
9:25 Am	89.9
1:10 Pm	88.0
1:30 p	85.9

007729

Disposition

Date

By

Date 12-30-90

From \_\_\_\_\_

Time \_\_\_\_\_

 Subject RIVER READING CONTINUED

12-31-90 MAHONING RIVER CREST 11 FT 7 AM LEVITTSBURG  
 " " " 12 FT 1 AM YOUNGSTOWN  
 FROM NATIONAL WEATHER SERVICE 6<sup>10</sup>/<sub>P</sub>

<del>7:00</del>	92.3	12-30-90	12-31-90
<del>8:00</del>	92.5	12-30-90	11:45A 95.3
<del>9:00</del>	92.5	12-30-90	12:45P 95.3
<del>10:00</del>	93.0	12-30-90	1:25P 95.4
<del>10:58</del>	93.0	12-30-90	2:00 P 95.5
			3:00 P 95.4
			3:48P 95.4
			5:06 P 93.3
			6:00 P 95.0
12:00/M	93'2"		7:03 P 95.0
1:10	93'3"		8:00 P 94.9
2:15/A	93'6"		9:00 P 94.5
3:00/A	93'9"		10:03 P 94.3
4:00/A	94'		10:50 P 93.0
5:05/A	94'2"		
5:55/A	94'3"		
7:10	94'4"		
9:00A	95'-0"		
10:00A	95'-0"		
11:15A	95'-2"		

007728

Disposition \_\_\_\_\_ Date \_\_\_\_\_ By \_\_\_\_\_

To LT. BAILEY

From ROBERT D. RODEN

Date 12-29-90

Time 4 P.M.

Subject FLOOD WATCH 12-29-90 - 12-30-90

WAS ADVISED BY CAPT. WHITE THE CARRYOVER  
DAYURN READING WAS  $86\frac{1}{2}$  FEET.

LT. BAILEY READING WAS 86.9 -  $6\frac{19}{P}$

" " " 87 FT -  $10\frac{07}{P}$

12-29-90

500/a 87'8"

900/a 88'6"

12-30-90

1045/a 89'4"

"

1200/a 89'9"

"

105/a 90'5"

"

200/a 90'9"

"

400/a 91.

"

500/a 91.5

"

007727

106/a 92.0

"

Disposition

Date

By



Francine

5HR-12

DEC 04 1990

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Thomas Shepker, Manager  
Environmental Control  
Warren Consolidated Industries, Inc.  
1040 Pine Avenue, S.E.  
Warren, Ohio 44483-6528

Re: Notice of Violation  
Warren Consolidated  
Industries, Inc.  
OHD 060 409 521

Dear Mr. Shepker:

On August 20 and 22, 1990, the Ohio Environmental Protection Agency (OEPA) representing the United States Environmental Protection Agency (U.S. EPA) conducted an inspection under the Resource Conservation and Recovery Act (RCRA) at the referenced facility. The purpose of the inspection was to determine the compliance status of your facility with respect to the applicable hazardous waste management requirements of RCRA, including the land disposal restrictions.

With respect to the land disposal restrictions section of the inspection, the following violation was identified:

Failure to retain on-site copies of all notices, certifications, demonstrations, and other documentation for at least five (5) years from the date that the waste was last sent to an on-site or off-site treatment, storage, or disposal facility, as required by 40 CFR 268.7(a)(6).

Please submit to this office within thirty (30) days of receipt of this Notice of Violation, documentation demonstrating that this violation has been corrected and indicating what measures have been initiated to assure future compliance. Failure to correct these violations may subject your facility to further Federal enforcement action.

Enclosed is the inspection report for your records. If you have any questions concerning this correspondence, please contact Catherine McCord at (312) 886-4436.

Sincerely yours,  
**ORIGINAL SIGNED BY**  
**KEVIN M. PIERARD**

Kevin M. Pierard, Chief  
MN/OH Technical Enforcement Section

Enclosure

cc: Paul Anderson, OEPA-NEDO

bcc: Lisa Pierard, TPS-OH, 5HR-13  
Francene Harris, 5HR-12



**WARREN**

Consolidated Industries, Inc.

Environmental Control  
(216) 841-8200

October 30, 1990

Mr. Ermelindo Gomes  
Ohio Environmental Protection Agency  
Northeast District Office  
2110 East Aurora Road  
Twinsburg, Ohio 44087

Ohio Environmental  
Protection Agency  
Emergency Response  
P. O. Box 1049  
Columbus, Ohio 43266

Mr. Mark Horwitz (5HS-26)  
U.S. EPA, Region V  
230 South Dearborn Street  
Chicago, Illinois 60604

Mr. William Craig  
Trumbull County Emergency  
Response  
160 High Street  
Warren, Ohio 44481

Dear Sirs:

Re: Warren Consolidated Industries, Inc.  
Unauthorized Discharge of 9/26/90  
NRC No.: 41226  
Ohio Emergency Response No.: 9-78-4614

The attached sheet is the Warren Consolidated Industries, Inc. account of unauthorized discharge No. WCI-1990-1. The analysts of grab samples, requested by Ermelindo Gomes, of OEPA, for oil and grease are also attached.

The oil was discovered coming from Outfall 3ID00071 007, at 11:00 A.M. on September 26, 1990. The oil boom we maintain for use on the Mahoning River was deployed by 12:00 A.M., but had little effect on retaining the oil because of high river level caused by rain, and the fact that the Army Corp. of Engineers was lowering the level of the reservoir, which feeds the Mahoning River for spring flood control. A small boom, about 15', was found and deployed at the outfall about 1:30 P.M., and did an effective job of retaining the oil. A contractor was brought in at 1:00 P.M. and helped deploy the small boom and used their vacuum truck to remove the oil as it accumulated. By 3:00 P.M., the flow of oil had significantly decreased, and by 4:00 A.M., on September 27, 1990, the flow of oil had stopped. The contractor manned the boom until 8:30 A.M. with no new accumulation in 4½ hours.

RECEIVED

007721

216) 841-800 OCT 31 1990

1040 Pine Ave. SE • Warren

OHIO EPA-N.E.D.O.

Warren Consolidated Industries, Inc.  
Unauthorized Discharge of 9/26/90  
NRC No.: 41226  
Ohio Emergency Response No.: 9-78-4614

October 30, 1990

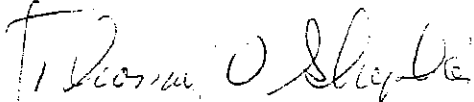
Page Two

When the oil was discovered at 11:00 A.M., the departments whose area includes portions of the sewer which empty into Outfall 007 were notified and began checking their operations, catch basins, and pulling sewer manhole covers to determine the origins of the oil. They were unable to find its source. The Lubrication Engineer was given a sample to determine if the oil was a soluble rolling oil or from a different source. Separation tests of the oil indicated it was more like a cutting or lubricating oil used for a band saw, cut-off wheel or drill press. We checked the maintenance areas, but could not find where any equipment had been recently cleaned or repaired. We found no evidence of where the oil got into the sewer system.

To prevent this type of incident from reoccurring, we reeducated our maintenance people on which sewers go to the river and which go to the oil collection unit. Contractors were instructed not to discharge anything into WCI sewers. WCI plant security will begin having all inbound empty tank truckers open their tank valves prior to entry into our plant on a spot check basis.

If you have any questions, or need additional information, please call me at (216) 841-8200.

Sincerely,



Thomas O. Shepker  
Mgr. Environmental Control

TOS:cdf  
#62

Attachments

007722



DATE: 9/26/90

: Thomas O. Shepker

\*\*\*\*\*

1. DATE OF DISCHARGE : 9/26/90 TIME1: 11:00 AM
2. SPILL REPORTED BY : T.O. Shepker TIME2: 4:00 AM on 9/27/90
3. MATERIAL SPILLED : Soluble oil and water emulsion
4. LOCATION OF SPILL : Discovered at tandem mill outfall  
WATERWAY AFFECTED : Mahoning River  
OUTFALL NO.: 3ID00071007
5. DISCHARGE QUANTITY : Approximately 5 gallons per hour
6. AGENCY NOTIFICATIONS  
OEPA EMER RESPONSE DATE : 9/26/90  
(800-282-9378) TIME : 3:16 PM  
OEPA CONTACT : Tim Hicken  
OEPA NO. : 9-78-4614  
  
NAT RESP CENTER DATE : 9/26/90  
(800-424-8802) TIME: 3:09 PM  
NRC CONTACT: Cherry  
NRC NO : 41226  
  
OEPA REGIONAL OFFICE:  
(216-425-9171) TIME: 3:30 PM  
OEPA REGIONAL CONTACT: Ermelindo Gomes  
DATE: 9/26/90  
  
TRUMBLL CO EMERGENCY MGMT AGENCY:  
(392-6777) TIME : 4:28 PM  
COUNTY CONTACT : William Craig  
DATE : 9/26/90
6. AFFECTS ON HUMAN HEALTH OR ENVIRONMENT: none
7. CAUSE OF INCIDENT: We are investigating to find the source. We were unable to identify the source. We believe it was a mistake by a maintenance person either from WCI or a contractor who thought they were discharging to the oil recovery unit via a process catch basin but instead placed the oil in a rainwater catch basin. The oil appeared to be the type used to lubricate power cutting equipment (band saw, cut-off wheel, etc.)
8. CONTAINMENT AND CLEANUP INITIATED: oil boom and vacuum truck at outfall. 90% + recovery.  
COMPLETE: 8:00 AM
9. CORRECTIVE ACTION TAKEN: The maintenance people were reinstructed as to which sewers go to the oil collection recovery unit and which go directly to river. The outside contractors were instructed not to dump into WCI sewers. Plant Protection will begin to spot checking incoming tank trucks which are supposed to be empty by having their drivers open the tank valve before entering the plant.

DATE LETTER REC'D FROM AGENCY:

INCIDENT CLOSED:

007723

BY:

DATE LETTER SENT TO AGENCY: 10/26/90

**AMERICAN ANALYTICAL LABORATORIES, INC.**

Pg. 1

INDUSTRIAL HYGIENE AND ENVIRONMENTAL SCIENCES

840 S. MAIN STREET  
AKRON, OHIO 44311  
(216) 535-1300

WORK ORDER #: 90-09-266

SAMPLES RECEIVED: 09/27/90  
ANALYSIS REPORTED: 10/18/90

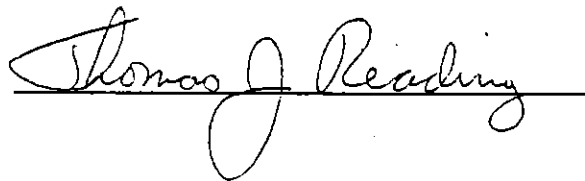
WORK ID: Water Analysis

SAMPLED BY: RES of AAL

REPORT ISSUED TO:Dick Gradishar  
Warren Consolidated  
Industries, Inc.  
1040 Pine Avenue, SE  
Warren, Ohio 44482-1550

SAMPLE ID AAL LAB #	DATE COLLECTED	PARAMETER(S)	RESULT(S)	UNITS	METHOD(S)
#1 9009266-01	09/26/90 16:00:00	Oil & Grease, Total	9	MG/L	EPA_413_1
#2 9009266-02	09/26/90 20:00:00	Oil & Grease, Total	4	MG/L	EPA_413_1
#3 9009266-03	09/27/90 23:59:00	Oil & Grease, Total	1	MG/L	EPA_413_1
#4 9009266-04	09/27/90 04:00:00	Oil & Grease, Total	1	MG/L	EPA_413_1
#5 9009266-05	09/27/90 08:00:00	Oil & Grease, Total	1	MG/L	EPA_413_1

ANALYSIS REVIEWED AND APPROVED BY



007724

*Approved by [signature] for [signature]*  
Environmental Control  
Monthly Report - September 1990

October 9, 1990

Unauthorized Discharge

At 11:00 A.M. on September 26, 1990 an oil emulsion was discovered discharging from the Rolling and Finishing non contact after Outfall 007 at a rate of about 5 gal/hr. The oil boom was deployed, but because of the low volume of oil and high river, it was ineffective. A small boom was then deployed at Outfall 007, which contained the oil. The boom was manned by Duke Sanitary, who vacuumed the oil off the water surface until it ceased to flow at 4:00 A.M. on September 27, 1990. We are still attempting to find the source of the 50-80 gallons of oil emulsion, which made it to the Outfall. The national response center, Ohio EPA Emergency Response, Local Emergency Coordinator, and Local OEPA office were notified per law. A written report will follow.

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WARREN CONSOLIDATED INDUSTRIES, INC.  
Engineering Department  
August 21, 1990

MINUTES OF MEETING

A pre-bid meeting was held in the Engineering Department on Monday, August 20, 1990, at 10:00 A.M.

Present:	WCI	VISITORS
	D. W. Musolf	George Shutrump, Chas. Shutrump & Sons
	A. W. Pinkerton	Mark Shutrump, Chas. Shutrump & Sons
	C. L. Hunter	John Reed, Jack Gibson Construction Co.
		Tom Tinkler, A. P. O'Horo Co.
		Chuck Carrier, Maybrook Construction Co.

Subject: 4 Million Gallon Waste Water  
Storage Tank Foundation  
Specification 69-023-6820

The meeting was opened with a statement that Warren Consolidated Industries, Inc. (WCI) will review any request for additional information and, if it is determined to be of a proprietary nature, it will not be given to the other bidders. If the information is of a general nature, it will be given to all bidders.

The specifications were reviewed and the following areas were highlighted:

- 20.1.2 This job will be worked under the full wage portion of the National Maintenance Agreement.
- 20.1.5.4 Two copies of the prints were furnished.
- 20.1.6 This section was reviewed in detail.
- 20.1.6.7 WCI will furnish only the slag that is produced at Standard Slag. Bentonite or any other backfill material called for on the drawings, or in the specifications, will be provided by the contractor.
- 20.1.6.8 The power that is available will come from the Field Engineers office and only be sufficient to power one trailer.

August 21, 1990

- 20.1.7.15.1 Delete this paragraph. All debris will be deposited on WCI property. The location for quoting purposes will be the fill area located across from Livi Steel and BFI on Pine Avenue. Access to this area will be via the contractors gate and a haul road parallel to Pine Avenue.
- 20.1.8 This section was reviewed in detail.
- 20.3.1.4 The scope of work for this contract will be 10' 0" outside the edge of the concrete foundation.
- Relocation of the natural gas line shown on the drawings will not be done. This line will be left under the foundation. The contractor will take care not to damage it during construction. Any damage will be repaired by the contractor, at his cost.
- 20.3.4 and 20.3.5 The contractors were asked to review these sections in detail, as they are a suggested construction procedure. If the contractor has a different way to construct the project that will result in cost savings, or a better finished product, they should discuss those ideas with WCI.
- Deviation from this procedure must be approved by WCI.
- 20.4 The schedule is based on working five days per week and eight hours per day. If the time from the start to the finish of construction is not sufficient to accomplish the work, then the contractor should note that with his bid. WCI does not expect to work overtime to meet that schedule.
- 20.5 This section was reviewed in detail.
- 20.6 This section was reviewed in detail.
- Exhibit B The contractors were reminded to complete and return Exhibit B with their bid.

Minutes of Meeting  
4 Million Gallon Waste Water  
Storage Tank Foundation  
Page Three

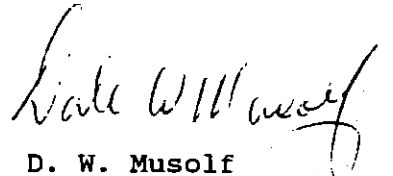
August 21, 1990

The importance of "as built" drawings was pointed out to the contractors and they were informed that the retention would not be paid until the "as built" drawings were received.

A detail of the construction joint was requested. This has been added to Drawing #134750 Revision 1. Two prints are attached.

One copy of "General Safety Guides for Contractors" is included with these minutes.

A site visit was conducted following the meeting.

  
D. W. Musolf  
Works Project Manager

DWM:cdf  
#01

cc: All Present  
RAZ ~~705~~

WCI-R 009670



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF:  
5HS-26

MAR 07 1990

James Stack, President  
Warren Consolidated Industries  
1040 Pine Avenue  
Warren, Ohio 44483

MAILED TO USEPA  
4/3/90 JAS

Dear Mr. Stack:

The United States Environmental Protection Agency ("U.S. EPA") is seeking information concerning the below-identified release(s) of a hazardous substance(s) into the environment:

<u>Date</u>	<u>NRC#</u>	<u>Accidental Release I.D.#</u>	<u>Substance</u>	<u>Amount</u>
10/17/89	18433	25628	Hydrochloric Acid	18,000 gal.

Pursuant to the authority of Section 104(a) and (e) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. Sections 9604(a) and (e), you are requested to respond to the questions in the enclosed questionnaire as they relate to the above-identified release of a hazardous substance. Failure to timely furnish the information requested relating to the matters identified in Section 104(e) of CERCLA may subject your company to an administrative compliance order or the imposition of civil penalties of up to \$25,000 per day of violation.

The enclosed questionnaire is divided into three sections: (1) general questions about the facility from which the release occurred, (2) questions concerning the reported release, and (3) questions concerning your efforts to respond to the release. If more than one release is identified above, a separate response should be submitted for each release. You may reproduce the questionnaire, or you may submit a computer printout that provides the requested information in the same format as the questionnaire provided.

Your response shall include all information requested which is in your possession, custody or control, or which is in the possession, custody, or control of any of your employees, officers, or agents. You are entitled to assert a claim of business confidentiality covering part of the submitted information, in the matter described in 40 CFR Section 2.203(b).

RECEIVED

MAR 12 1990

Warren Consolidated Industries, Inc.  
Environmental Control



Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 CFR Part 2, Subpart B. Unless a business confidentiality claim is asserted at the time the requested information is submitted, U.S. EPA may make this information available to the public without further notice to you.

Your response must be sent to U.S. EPA within 30 calendar days of your receipt of this letter. Please send your response to:

Mark Horwitz (5HS-26)  
U.S. EPA, Region V  
230 South Dearborn Street  
Chicago, Illinois 60604

If you have any questions concerning this matter, please contact Mr. Horwitz at (312) 353-9045 or Tom Lueders at (312) 353-8217.

Sincerely,

A handwritten signature in cursive script, appearing to read "Norm Niedergang".

Norm Niedergang  
Acting Associate Division Director  
Office of Superfund

Enclosure



**WARREN**

Consolidated Industries, Inc.  
Environmental Control  
(216) 841-8200

October 19, 1989

Mr. Mike Stevens  
Ohio Environmental Protection Agency  
Division of Water Pollution Control  
2110 E. Aurora Road  
Twinsburg, OH 44087

Dear Mr. Stevens:

Unauthorized Discharge No. 10-78-4025  
NPDES PERMIT No. 31D00004\*CD

Attached, please find a copy of the Unauthorized Discharge No. 10-78-4025, which occurred on October 17, 1989. I trust that this answers any question you might have.

If I can be of further assistance, or you have additional questions, please call me at (216) 841-8200.

Sincerely,

T. O. Shepker  
Mgr. Environmental Control

TOS:cdf

cc: B. Miller, OEPA Columbus

0621Q

UNAUTH DISCH NO.: 1989 #4

DATE: 10/18/89

BY: T.O.SHEPKER

\*\*\*\*\*

1. DATE OF DISCHARGE : 10/17/89 TIME1: 4:00PM STARTED 10/17/89
2. SPILL REPORTED BY : T.O.SHEPKER TIME2: 4:45PM FINISHED 10/17/89
3. MATERIAL SPILLED : PROCESS AND CONTACT WATER FROM FINISHING OPERATIONS
4. LOCATION OF SPILL : #6 POND OVERFLOW WEIR

WATERWAY AFFECTED : MAHONING RIVER

OUTFALL NO.: 3ID00004009

5. DISCHARGE QUANTITY : 18,000 GALLONS

6. AGENCY NOTIFICATIONS

DEPA EMER RESPONSE DATE : 10/18/89

(800-282-9378) TIME : 3:30 PM

DEPA CONTACT : CRIS STOUT

DEPA NO. : 10-78-4025

NAT RESP CENTER DATE : 10/18/89

(800-424-8802) TIME: 3:35 PM

NRC CONTACT: A.MORRIS

NRC NO : 18437

DEPA REGIONAL OFFICE:

(216-425-9171) TIME: 3:25 PM

DEPA REGIONAL CONTACT: M.STEVENS

DATE: 10/18/89

TRUMBULL CO EMERGENCY MGMT AGENCY:

(392-6777) TIME : 9:30 AM

COUNTY CONTACT : W.CRAIG

DATE : 10/19/89

6. AFFECTS ON HUMAN HEALTH OR ENVIRONMENT: NONE

7. CAUSE OF INCIDENT: ELECTRICAL DEPARTMENT HAD TO REPLACE A UTILITY  
POLE. CURTAILMENT OF POWER TO WWTP PUMPS ALLOWING POND TO OVERFLOW.

8. CONTAINMENT AND CLEANUP INITIATED: IMMEDIATELY

COMPLETE: 4:30PM 10/17/89

9. CORRECTIVE ACTION TAKEN: ELECTRICAL DEPARTMENT INSTRUCTED TO NOTIFY  
ENVIRONMENTAL CONTROL DEPARTMENT PRIOR TO CURTAILING POWER TO CENTRAL WASTE  
WATER TREATMENT PLANT PUMPS. PRIOR NOTICE ALLOWS TREATMENT PLANT TO LOWER THE  
LEVEL OF THE POND PREVENTING OVERFLOW.

DATE LETTER REC'D FROM AGENCY:

INCIDENT CLOSED:

BY:

DATE LETTER SENT TO AGENCY: 10/19/89

**SEP 27 1989**

5HR-12

Thomas O. Shepker  
Manager, Environmental Control  
Warren Consolidated Industries, Inc.  
1040 Pine Ave., S.E.  
Warren, Ohio 444830-6528

Re: Compliance Letter  
Warren Consolidated Industries, Inc.  
OHD 060-409-521

Dear Mr. Shepker:

On May 25 and June 2, 1989, the Ohio Environmental Protection Agency (OEPA), representing the United States Environmental Protection Agency (U.S. EPA), conducted a Resource Conservation and Recovery Act (RCRA) inspection of the above referenced facility. The purpose of the inspection was to determine the compliance status of this facility with respect to the applicable hazardous waste management requirements of RCRA, including the land disposal restrictions of certain spent solvents (F001-F005) and dioxins which became effective on November 8, 1986, and certain hazardous wastes commonly referred to as California list wastes which became effective on July 8, 1987. Additionally, the land disposal restrictions for First Third of Scheduled Wastes became effective on August 8, 1988. Regulations are set forth in 40 CFR Part 268 and in revisions to 40 CFR Parts 260-265, 268, 270, and 271.

As a result of the inspection, it appears that the subject facility is in compliance with the land disposal requirements found at 40 CFR Part 268.

Thank you for your cooperation. If you have any questions concerning this letter, please contact Mr. Gregory T. Carlson of my staff at (312) 886-8095.

Sincerely yours,

Sally K. Swanson, Chief  
IN/MN/OH Enforcement Program Section

Enclosure

cc: Mike Savage, OEPA  
Kris Coder, NEDO

bcc: Sally Swanson, REB  
5HR-12carlson::pw:6-8093::DISK "B" :FILENAME:shepker

*PW 9/27/89*

RCRA ENFORCE- MENT	REB STAFF	REB SECTION CHIEF	REB CHIEF
INIT. DATE	NTC 9/21/89	SKS 9-26-89	



State of Ohio Environmental Protection Agency

Northeast District Office

2110 E. Aurora Road

Asburg, Ohio 44087-1969

(6) 425-9171

FAX (216) 487-0768

Richard F. Celeste

DF Governor

July 21, 1989

RE: WARREN CONSOLIDATED INDUSTRIES, INC.

TRUMBULL COUNTY

02-78-0814

OHD 060-409-521

CERTIFIED MAIL


Thomas O. Shepker  
Manager, Environmental Control  
Warren Consolidated Industries, Inc.  
1040 Pine Ave., S.E.  
Warren, Ohio 44483-6528

Dear Mr. Shepker:

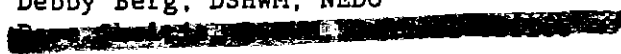
Thank you for your letter dated July 19, 1989. The information presented indicates that your facility has corrected the violations noted in my letter dated June 7, 1989. As a result your facility is considered in compliance with the violations cited during my May 25 and June 2 inspection.

If I can be of further help, please let me know.

Yours truly,

  
Kris L. Coder  
Environmental Scientist  
Division of Solid and Hazardous Waste  
Management

KLC/sp

cc: Debby Berg, DSHWM, NEDO  




**WARREN**

Consolidated Industries, Inc.  
Engineering Department  
(216) 841-8180

September 9, 1989

Mr. Dennis Lee  
OEPA  
Group Leader Industrial Wastewater  
State of Ohio Environmental Protection Agency  
Northeast District Office  
2110 E. Aurora Road  
Twinsburg, OH 44087

Dear Mr. Lee:

Oil Incident of February 15, 1989 at 010  
Outfall on NPDES Permit No. 3ID00004\*CD

A sump pump at the Locomotive Repair Shop was found to be inoperative. The pump moves the contents of the sump to No. 5 Pond for oil removal and water treatment. If the sump pump fails, the sump overflows to the sewer leading to No. 010 Outfall where you observed the oil discharging on February 15, 1989. The overflow was bricked and cemented shut on February 22, 1989 to prevent a recurrence.

During this investigation, an outside catch basin which receives water from the Machine Shop was found to have an overflow line to the 010 Outfall sewer at nearly the same elevation as the line to No. 5 Pond. The line to 010 sewer was bricked and mortared on February 22, 1989 to prevent an oily discharge from 010.

We believe this should prevent a recurrence of the oil discharge of February 15, 1989.

Very truly yours,

T. O. Shepker  
Manager Environmental Con+

TOS:amw

007710



**WARREN**

Consolidated Industries, Inc.

Environmental Control  
(216) 841-8200

June 22, 1989

Mr. Mike Stevens  
Ohio Environmental Protection Agency  
Division of Water Pollution Control  
2110 E. Aurora Road  
Twinsburg, OH 44087


Dear Mr. Stevens:

Unauthorized Discharge No. 6-78-2189  
NPDES PERMIT No. 3ID00004\*CD

Attached, please find a copy of the Unauthorized Discharge No. 6-78-2189, which occurred on June 15, 1989. I trust that this answers any question you might have.

If I can be of further assistance, please call me at (216) 841-8200.

Sincerely,

  
R. D. Gradishar  
Environmental Control

RJG:cdf

cc: B. Miller, OEPA Columbus

0559Q

007716

RECEIVED  
JUN 27 1989  
OHIO EPA-N.E.D.O.

Unauthorized Discharge No.: WCI 1989 #3  
Date: June 15, 1989 By: R. J. Gradishar

1. DATE OF DISCHARGE: June 15, 1989 TIME 1: Started 5:00 AM on June 15, 1989
2. SPILL REPORTED BY: R. J. Gradishar TIME 2: Ended 11:00 AM on June 16, 1989
3. MATERIAL SPILLED: Process and contact water from finishing operations, containing Pickler Rinse Water (pH:2.9) and soluble rolling oil.
4. LOCATION OF SPILL: No. 6 Pond Overflow Weir, Outfall 4009.  
WATERWAY AFFECTED: Mahoning River OUTFALL NO.: 3ID00004009
5. DISCHARGE QUANTITY: 259,000 Gallons.
6. AGENCY NOTIFICATIONS:

OEPA EMERGENCY RESPONSE  
(800-282-9378)

DATE: June 15, 1989  
TIME: 10:45 AM  
OEPA CONTACT: Bruce Miller  
OEPA NUMBER : 6-78-2189

NATIONAL RESPONSE CENTER  
(800-424-8802)

DATE: June 15, 1989  
TIME: 10:55 AM  
NRC CONTACT: A. Morris  
NRC NUMBER : 9543

TRUMBULL CO. EMERGENCY MGMT

DATE: June 15, 1989  
TIME: 11:05 AM  
COUNTY CONTACT: P. DeIGenio

AFFECTS ON HUMAN HEALTH  
or ENVIRONMENT:

NONE

7. CAUSE OF INCIDENT: The Mahoning River. Because of the near flood level condition, it was found to be backing up into our Process Water System via the emergency overflow sewer, located at the Process Water No. 9 Pump Station. This station, along with the normal incoming process water, was taking on an additional 205 GPM of river water. This station pumps all of the incoming water sources to the No. 5 and 6 Surge Ponds, which in turn pumps to the Central Treatment Plant.

Because of the additional influent from the river, the Central Treatment Plant, pumping at the maximum treatable flow rate of 1000 GPM, could not keep up with the overload. This causes the Surge Ponds to reach the maximum levels and overflow to the river at Outfall 4009, which is the permitted emergency Overflow Weir Gate, located at the No. 6 Pond.

007717



8. CONTAINMENT AND CLEANUP INITIATED: Immediately after the discovery of the river water influent into the Process Water System, the point of entry, which is the emergency overflow sewer at the No.9 Pump Station, was sandbagged shut. This maneuver was successful in stopping the river influent and was accomplished by 3:00 PM on June 15, 1989.

Also, soon after discovering the overflow to the river at the No. 6 Pond, 3 vacuum trucks were employed around the clock to draw as much of the overflow as possible, and as fast as possible, and continuously deposit the drawn water into our 500,000 gallon Waste Oil Holding Tank. Unfortunately, the water contaminated some 150,000 gallons of Waste Oil, which was already processed into marketable oil, and will now have to be dewatered and reprocessed. A total of 110,000 gallons of water was deposited into the tank, therefore, reducing the total discharge by that amount. With this effort, a potential 396,000 gallons of total discharge was reduced to 259,000 gallons.

The soluble oil concentration in the process water, during the period of the discharge (30 hours), was analyzed at 44 mg/L. This equates to some 114 gallons of soluble oil discharged to the river. No collectable free oil was discharged.

9. CORRECTIVE ACTION TAKEN: An engineering review of the No. 9 Pump Station emergency overflow sewer will be conducted, to determine what type of backflow prevention device should be installed.

10. Cost to abate discharge to river at Outfall 4009, on June 15, 1989:

- A. Loss of 150,000 gallons of marketable waste oil by water contamination: \$18,000.00.
- B. Trucking 110,000 gallons of water from Outfall 4009 to Waste Oil Tank: \$3,002.00.
- C. Total Cost: \$21,002.00.



R. J. Gradishar  
Environmental Control  
Warren

RJG:cdf

cc: J. V. STACK	R. A. ZEUNER
B. J. MITCHELL	D. W. MUSOLF
P. T. KENNEY	T. O. SHEPKER
R. B. VEST	J. G. WALTER

0563Q

007718



**UNAUTHORIZED DISCHARGE - NPDES Outfall #009, OEPA #6-78-2189.** On June 15, 1989, the river backed into #9 Lift Station during unusually heavy rains causing pumps to run continuously until #6 Pond overflowed. The overflow from #9 Lift Station was sand bagged to prevent back flow and 110,000 gallons of water was taken from #6 Pond by tanker to our 500,000 gallons used oil tank to stop the overflow. A back flow preventer will be installed at #9 Lift Station Overflow, to prevent reoccurrence. A report of the incident was mailed to the OEPA on June 22, 1989.





**WARREN**

Consolidated Industries, Inc.

Engineering Department  
(216) 841-8180

March 21, 1989

Mr. Mike Stevens  
Ohio Environmental Protection Agency  
Division of Water Pollution Control  
2110 E. Aurora Road  
Twinsburg, OH 44087

Dear Mike:

Unauthorized Discharge No. 7-78-0751, NPDES PERMIT No. 3ID00004\*CD

Attached please find a copy of the unauthorized discharge No. 7-78-0751 which occurred on March 11, 1989. I trust that this answers any question you might have.

If I can be of further assistance, please call me at (216) 841-8200.

Sincerely yours,

Thomas O. Shepker  
Manager Environmental Control

TOS:amw

cc: T. Hicken, OEPA Columbus

0521Q

007714

RECEIVED

MAR 23 1989

OHIO EPA-N.E.D.O.

- \*\*\*\*\*
1. DATE OF DISCHARGE : 03/11/89 TIME1: DISCOVERED AT 1:00 PM
  2. SPILL REPORTED BY : TOS TIME2: 2:30 PM
  3. MATERIAL SPILLED : PROCESS AND CONTACT WATER FROM FINISHING OPERATIONS  
CONTAINING PICKLER WRINSE WATER AND SOLUBLE ROLLING OIL.
  4. LOCATION OF SPILL : BETWEEN OUTFALLS # 006 # 007

WATERWAY AFFECTED : MAHONING RIVER OUTFALL NO.: NONE

5. DISCHARGE QUANTITY : 2 TO 60 GPM

6. AGENCY NOTIFICATIONS

DEPA EMER RESPONSE DATE : 03/11/89

(800-282-9378) TIME : 2:32 PM

DEPA CONTACT : TIM HICKEN

DEPA NO. : 7-78-0751

NAT RESP CENTER DATE : 03/11/89

(800-424-8802) TIME: 2:28 PM

NRC CONTACT: PETTY OFFICER OERTLI

NRC NO : 3502

DEPA REGIONAL OFFICE:

(216-425-9171) TIME:

DEPA REGIONAL CONTACT:

DATE:

TRUMBULL CO EMERGENCY MGMT AGENCY:

(392-6777) TIME :

COUNTY CONTACT :

DATE :

6. AFFECTS ON HUMAN HEALTH OR ENVIRONMENT: NONE

7. CAUSE OF INCIDENT: GROUND SHIFT UNDER 36" ACID RESISTANT LINED CONCRETE  
PIPE CAUSED LINING TO CRACK ALLOWING WASTE WATER TO LEAK THROUGH JOINT BETWEEN  
TWO SECTIONS OF PIPE. PARTIAL BLOCKAGE OF 36" LINE WITH 26 YEARS OF SEDIMENT.

8. CONTAINMENT AND CLEANUP INITIATED: PUMPS SHUT DOWN. BLOCKAGE REMOVED. OIL  
BOOM DEPLOYED WHEN GREASE WAS OVERFLOWED FROM A MANHOLE WHILE PRESSURIZING LINE  
TO FIND LEAK. GREASE VACUUMED UP. COMPLETE: LEAK IN CONCRETE PATCHED 03/15/89. OUT  
OF BID ON ACID LINER 03/17/89. TO BE COMPLETED ASAP.

9. CORRECTIVE ACTION TAKEN: 36" SEWER LINE WAS PRESSURE CLEANED ON 03/12  
03/13/89 OPENING THE LINE ABOUT 50%. THE EXIT FROM THE SEWER TO THE HOLDING  
TANK IS SCHEDULED TO BE DREDGED. AFTER DREDGING THE 36" SEWER WILL BE CLEANED.  
DURING REPAIRS TO THE ACID LINER AN INSPECTION WILL BE MADE TO DETERMINE IF  
ADDITIONAL DAMAGE HAS OCCURRED.

DATE LETTER REC'D FROM AGENCY:

INCIDENT CLOSED:

BY:

DATE LETTER SENT TO AGENCY: 03/21/89

RECEIVED

MAR 23 1989

OHIO EPA-N.E.D.O.

007715

Environmental Control Monthly Report  
March 1989

Unauthorized Discharges - On March 11, 1989, a straddle truck operator discovered water running down the embankment by the 56<sup>th</sup> Shipping Yard. The 36" sewer main was found to be leaking from a crack at a joint and back pressure from a partially plugged line. A temporary patch was installed and the line partially cleaned by March 16. Bids have been received for patching the acid liner.







State of Ohio Environmental Protection Agency

Northeast District Office

10 E. Aurora Road  
Twinsburg, Ohio 44087  
(216) 425-9171

Richard F. Celeste  
Governor

June 7, 1989

RE: WARREN CONSOLIDATED INDUSTRIES, INC.  
TRUMBULL COUNTY  
02-78-0184  
OHD 060-409-521  
G-TSD

Thomas O. Shepker  
Manager, Environmental Control  
Warren Consolidated Industries, Inc.  
1040 Pine Ave., S.E.  
Warren, Ohio 44483-6528

CERTIFIED MAIL

RECEIVED  
OHIO EPA

JUN 16 1989

DIV. of SOLID & HAZ. WASTE MGT.

Dear Mr. Shepker:

On May 25 and June 2, 1989, this writer conducted a hazardous waste inspection of Warren Consolidated Industries, Inc., located at 1040 Pine Ave., S.E., Warren. You and Mr. David Calderwood represented the facility during the inspection. The facility was inspected for compliance with both Ohio and Federal hazardous waste regulations. Enclosed for your information is a copy of the inspection checklist. Also, enclosed is a copy of the RCRA Land Disposal Restriction Inspection checklist. A copy of this checklist is being forwarded to the U.S. EPA, Region V, for appropriate follow-up.

During the inspection the following violations were noted. These violations need your immediate attention.

1. 40 CFR 265.16 and OAC 3745-65-16(A)(B)(C)(D)(E) - Personnel Training

The facility must document the annual hazardous waste training of all employees involved in the hazardous waste program including the training of those employees in the Acid Regeneration Plant. Also, the facility must document the annual hazardous waste training of all supervisors who were absent during the training sessions that were conducted at the Galvanized Tern Line.

2. 40 CFR 265.195 and OAC 3745-66-95(A)(C) Inspections

The facility must revise its tank inspection form(s) to document the inspection, where present, at least once each operating day the following:

1. Overfill/spill control equipment (E.G., waste-feed cut-off systems, bypass systems, and drainage systems) to ensure that it is in good working order;

Warren Consolidated Industries, Inc.  
Mr. Thomas O. Shepker  
June 7, 1989  
Page -2-

2. The above ground portions of the tank system, if any, to detect corrosion or releases of waste;
3. Data gathered from monitoring equipment and leak-detection equipment (E.G., pressure and temperature gauges, monitoring wells) to ensure that the tank system is being operated according to its design; and
4. The construction materials and the area immediately surrounding the externally accessible portion of the tank system including secondary containment structures (E.G., dikes) to detect erosion or signs of releases of hazardous waste (E.G., wet spots, dead vegetation).

The facility must document an inspection of these items in the operating record.

3. 40 CFR 265.193(F) and OAC 3745-66-93(F), Secondary Containment of Ancillary Equipment

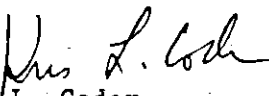
The facility must provide secondary containment to all tank ancillary equipment or revise the tank inspection log to include the daily visual inspections of all the following ancillary equipment, where applicable:

1. Above ground piping (exclusive of flanges, joints, valves and connections);
2. Welded flanges, welded joints, and welded connections;
3. Sealless or magnetic coupling pumps and sealless valves;
4. Pressurized above ground piping systems with automatic shut-off devices.

Please within 30 days of receipt of this letter, submit to my attention documentation correcting the above violations. Please note that this inspection did not include a thorough review of the facility's closure plans for the waste pickle liquor units (which will be thoroughly reviewed under the Part B) or the unclosed waste-pile (coal pile) (which is under review through the EBR). Also, please note that this inspection did not review the facility's compliance with all financial liability requirements which are reviewed by our Central Office.

If you have any questions, please call me.

Yours truly,

  
Kris L. Coder  
Environmental Scientist  
Division of Solid and Hazardous Waste  
Management

cc: ~~Dave~~ Sholtis, DSHWM, Central Office  
Debby Berg, DSHWM, NEDO

KLC/sp

Enclosures



**WARREN**

Consolidated Industries, Inc.  
Engineering Department  
(216) 841-8180

March 15, 1989

Mr. Michael W. Stevens  
Environmental Engineer  
Division of Water Pollution Control  
OEPA  
2110 E. Aurora Road  
Twinsburg, OH 44087-1969

Dear Mr. Stevens:

Direct Discharge to Outfall 011 of  
BOF Flight Conveyor Overflow

Per our conversation of last week, we acid-cleaned the BOF process waterline on March 11 and 12, 1989. The line was opened at 9:30 a.m. on March 11, flushed with acid, filled with acid and allowed to sit overnight. On March 12, the line was opened, the acid drained, and the line was flushed. At 1:30 p.m. on March 12, 1989, the line was back in service. We were discharging directly to the river for 28 hours through Outfall NPDES No. 31D00004011. We estimate 25,000 to 28,000 gallons were discharged during this period.

The cleaning was found to be necessary during an investigation of an unauthorized discharge on January 30, 1989, OEPA No. 1-78-336, involving this line. An inspection of the 3-1/2" line showed a build-up in excess of 1/2" around the pipe. Pump repairs alleviated the immediate problem but a long-term fix necessitated cleaning the pipe.

A copy of the original discharge report is attached. In the future, we will clean this line every two years to prevent recurrence.

Sincerely yours,

Thomas O. Shepker  
Manager Environmental Control

TOS:amw

007712

**RECEIVED**

MAR 16 1989

OHIO EPA-N.E.D.O.



## WATER POLLUTION INCIDENT REPORT 19 89

Formerly LTV - Warren

Number 3-78-0751  
Time & Date Reported 1437 3/11 Discovered 1300 3/11 → Occurred \_\_\_\_\_  
Reported by (Name) Tom Shepker (Position) \_\_\_\_\_  
Telephone 216-841-8200 Entity Reporting: Co Did Spiller Report? ☒ N Complaint? ☒ Y  
Suspected Spiller Warren Consol. Indus Telephone \_\_\_\_\_  
Mailing Address 1040 Pine Dr 44483  
Location of Spill: (County) Lumball (Town/TWP) Warren (Section) \_\_\_\_\_  
(Street Location) \_\_\_\_\_ (Lat & Long) \_\_\_\_\_  
63 Sources of Spill Pipe broke Size: L Priority III  
Areas Affected: A ☒ W ☐ G ☐ O ☐ N Waterway Affected Mahoning R. Weather \_\_\_\_\_  
Product Spilled waste water Amount 2000 gal RQ? \_\_\_\_\_ Type: W 4 Size: L  
Product Spilled \_\_\_\_\_ Amount \_\_\_\_\_ RQ? \_\_\_\_\_ Type: \_\_\_\_\_ Size: \_\_\_\_\_  
Shen

Tom says he has backhoe in area + man on way,  
0063007, part of bank has slipped, has slight  
milky texture to it!  
→ pH of ~3 → flow is stopped @ this time.

No fishkill noted

Did You Tell Spiller To Call: The N.R.C.?	Y	N	(1-800-424-8802, Washington, D.C.)	The Local EPC?	Y	N	(# in Duty Book)
District Office	<u>NE</u>		Time & Date <u>3/13 0830</u>	Talked to	<u>3/13</u>	<u>Bene</u>	<u>pm</u>
USEPA/USCG			Time & Date _____	Talked to	_____	_____	_____
SFM (752-7938)			Time & Date _____	Talked to	_____	_____	_____
<input checked="" type="radio"/> ODNR (night: 265-7006)			Time & Date _____	Talked to	_____	<u>Paul</u>	<u>Stover</u>
<u>6</u> District Engineer			Time & Date <u>CC</u>	Talked to	_____	<u>Dennis</u>	<u>Fee</u>
Water Supply (4-2752)			Time & Date _____	Talked to	_____	_____	_____
DSHWM			Time & Date _____	Talked to	_____	_____	_____
Dept. of Health			Time & Date _____	Talked to	_____	_____	_____
ODA (866-6361)			Time & Date _____	Talked to	_____	_____	_____
PIC (2160) Al Franks (848-9691)			Time & Date _____	Talked to	_____	_____	_____
Local Agency			Time & Date _____	Talked to	_____	_____	_____
Local FD or PD			Time & Date _____	Talked to	_____	_____	_____
WQMA/Ground Water			Time & Date _____	Talked to	_____	_____	_____
			Time & Date _____	Talked to	_____	_____	_____
			Time & Date _____	Talked to	_____	_____	_____

007713

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MAR 15 1989

OHIO EPA-N.E.D.O

## Follow-up

Business: Y N SARA Report: Y N District: Y N

Revised: 1-88

Received By

201

REVISED DATE



**WARREN**

Consolidated Industries, Inc.  
Engineering Department  
(216) 841-8180

March 1, 1989

Mr. Dennis Lee  
OEPA  
Group Leader Industrial Wastewater  
State of Ohio Environmental Protection Agency  
Northeast District Office  
2110 E. Aurora Road  
Twinsburg, OH 44087

Dear Mr. Lee:

Oil Incident of February 15, 1989 at 010  
Outfall on NPDES Permit No. 3ID00004\*CD

A sump pump at the Locomotive Repair Shop was found to be inoperative. The pump moves the contents of the sump to No. 5 Pond for oil removal and water treatment. If the sump pump fails, the sump overflows to the sewer leading to No. 010 Outfall where you observed the oil discharging on February 15, 1989. The overflow was bricked and cemented shut on February 22, 1989 to prevent a recurrence.

During this investigation, an outside catch basin which receives water from the Machine Shop was found to have an overflow line to the 010 Outfall sewer at nearly the same elevation as the line to No. 5 Pond. The line to 010 sewer was bricked and mortared on February 22, 1989 to prevent an oily discharge from 010.

We believe this should prevent a recurrence of the oil discharge of February 15, 1989.

Very truly yours,

T. O. Shepker  
Manager Environmental Control

TOS:amw

0502Q

007711

**RECEIVED**

**MAR 03 1989**

**OHIO EPA-N.E.D.O.**



UNAUTH DISCH NO.: WCI N 1 DATE: 1/30/89 BY: T.O.SHEPKER

\*\*\*\*\*

1. DATE OF DISCHARGE : 1/30/89 TIME1: 7:00 AM TO 1:15 PM
2. SPILL REPORTED BY : T.O.SHEPKER TIME2: 11:15 AM
3. MATERIAL SPILLED : COOLING WATER CONTAINING IRON OXIDES WITH HIGH pH
4. LOCATION OF SPILL : BOF FLIGHT CONVEYOR

WATERWAY AFFECTED : MAHONING RIVER OUTFALL NO.: 011

5. DISCHARGE QUANTITY : 50 GPM

6. AGENCY NOTIFICATIONS

OEPA EMER RESPONSE DATE : 01/30/89  
(800-282-9378) TIME : 11:15  
OEPA CONTACT : TIM HICKIN  
OEPA NO. : 1-78-336

NAT RESP CENTER DATE : 01/30/89  
(800-424-8802) TIME : 11:25 AM  
NRC CONTACT : MATHEW EWOLDT  
NRC NO. : 01365

OEPA REGIONAL OFFICE :  
(216-425-9171) TIME :  
OEPA REGIONAL CONTACT :

TRUMBLL CO EMERGENCY MNGT AGENCY: 01/30/89  
(392-6777) TIME : 11:53 AM  
COUNTY CONTACT : WILLIAM CRAIG

6. AFFECTS ON HUMAN HEALTH OR ENVIRONMENT: NONE

7. CAUSE OF INCIDENT: MALFUNCTIONING PUMP. PUMP OPERATING BUT NOT PUMPING, CAUSING FLIGHT CONVEYOR PIT TO OVERFLOW TO RIVER AND A PARTIAL BLOCKAGE OF PIPING TO CENTRAL TREATMENT PLANT CAUSING BACK PRESSURE.

8. CONTAINMENT AND CLEANUP INITIATED: PUMP REPAIRED. SYSTEM UP AFTER 6 HOURS.

COMPLETE: 01/30/89

9. CORRECTIVE ACTION TAKEN: PUMP REPAIRED ON 1/30/89. PUMP TO BE THOROUGHLY EXAMINED ON 1/31/89. ANY ADDITIONAL REPAIRS NEEDED WILL BE DONE AT THAT TIME. PIPING TO CENTRAL TREATMENT PLANT TO BE CLEANED DURING FEBRUARY.

007709

DATE LETTER REC'D FROM AGENCY:  
INCIDENT CLOSED:  
BY:







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

Records Officer  
OEPA Emergency Response  
1800 Watermark Drive  
P.O. Box 1049, Columbus, Ohio  
43266-0149

Subject: Request for all Spill Reports from WCI Steel Inc., to the Mahoning River,  
Warren Ohio

Dear Records Officer:

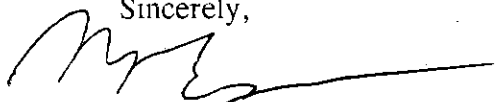
I need to obtain all spill reports and any other spill correspondence since February 1989 through the present, which were reported at WCI Steel Inc. Warren Ohio (Mahoning river). Prior to 1989 this facility was owned by LTV Steel. The address of the plant is WCI Steel Inc. Pine Ave SE, Warren Ohio 44483-6528. The U.S. EPA NPDES Permit No. is OH0101079.

I need to obtain this information within 30 days, please let me know if this is possible.

If you have any question feel free to call (312) 886-2307

See the attached business card for FAX # for mailing address

Sincerely,



Murray Lantner

007681



Printed on Recycled Paper

Releases for Jan 78 thru Dec 93

Spill Number: 9203-78-1040	Entity: WCI STEEL
County: TRUMBULL	Address: 1040 PINE AVENUE SE
Twp/City: WARREN	WARREN, OH 44483-6528
Reported: 03/20/92 18:37	Source: Fixed facility / Industry
Area Aff: Land	Container
Waterway:	Cause: Leak
Size/Priority: Unknown	Location: 1040 PINE AVENUE
Material Spilled	Amount Spilled Recovered Units Size Type
NELCO TRIAC 1820 INHIBITOR	15 0 GAL S

Spill Number: 9204-78-1301	Entity: WCI STEEL INC
County: TRUMBULL	Address: 1040 PINE AVE SE
Twp/City: WARREN	WARREN, ON 44483
Reported: 04/09/92 13:30	Source: Fixed facility / Industry
Area Aff: Surface Water	Waste system
Waterway: MAHONING RIVER TRIB	Cause: Overflow
Size/Priority: Large / 4	Location: 1040 PINE AVE SE
Material Spilled	Amount Spilled Recovered Units Size Type
UNTREATED RECYCLED WATER	UNK L WW

Spill Number: 9205-78-1901	Entity: WCI STEEL INC
County: TRUMBULL	Address: 1040 PINE AVE SE
Twp/City: WARREN	WARREN, OH 44483
Reported: 05/13/92 11:47	Source: Fixed facility / Industry
Area Aff: Surface Water	Waste system
Waterway: MAHONING RIVER TRIB	Cause: Discharge
Size/Priority: Small / 4	Location: 1040 PINE AVE SE
Material Spilled	Amount Spilled Recovered Units Size Type
WASTE WATER	100 0 GAL S WW

Spill Number: 9206-78-2584	Entity: WCI STEEL INC
County: TRUMBULL	Address: 1040 PINE AVE
Twp/City: WARREN	WARREN, OH
Reported: 06/18/92 14:09	Source: Fixed facility / Industry
Area Aff: Surface Water	Waste system
Waterway: MAHONING RIVER TRIB	Cause: Discharge
Size/Priority: Medium / 4	Location: 1040 PINE AVE
Material Spilled	Amount Spilled Recovered Units Size Type
WASTE WATER	2,000 11,000 GAL M WW

007682

Releases for Jan 78 thru Dec 93

Spill Number: 9211-78-4786	Entity: WCI STEEL				
County: TRUMBULL	Address: 1040 PINE AVE				
Twp/City: WARREN	WARREN, OH 44483				
Reported: 11/11/92 10:10	Source: Fixed facility / Industry				
Area Aff: Land / Surface Water	Tank storage (above ground)				
Waterway: MAHONING RIVER TRIB	Cause: Leak				
Size/Priority: Large / 3	Location: 1040 PINE AVE				
Material Spilled	Amount Spilled	Recovered	Units	Size	Type
HYDROCHLORIC ACID	1,600	0	GAL	L	WC

007683

Releases for Jan 90 thru Dec 93

Spill Number: <b>9108-78-3702</b>	Entity: WARREN CONSOLIDATED
County: TRUMBULL	Address: 1040 PINE AVE
Twp/City: NILES	WARREN, OH 44481
Reported: 08/29/91 21:25	Source: Fixed facility / Industry
Area Aff: Air / Land	Building
Waterway:	Cause: Discharge
Size/Priority: Unknown / 3	Location: NILES COMMERCE PARK SR 169
Material Spilled	Amount Spilled Recovered Units Size Type
ASBESTOS FIBERS	UNK U C

Spill Number: <b>9109-78-4062</b>	Entity: LTV STEEL
County: TRUMBULL	Address: 2234 MAIN AVE
Twp/City: WARREN	WARREN, OH 44482
Reported: 09/23/91 08:30	Source: Fixed facility / Industry
Area Aff: Land	Non-contact cooling system
Waterway:	Cause: Discharge
Size/Priority:	Location: 2234 MAIN AVE
Material Spilled	Amount Spilled Recovered Units Size Type
WASTE WATER	UNK U O

Spill Number: <b>9201-78-0287</b>	Entity: LTV STEEL CO
County: TRUMBULL	Address: 2234 MAIN AVE
Twp/City: WARREN	WARREN, OH 44482
Reported: 01/26/92 04:45	Source: Fixed facility / Industry
Area Aff: Air	Stack release - Air
Waterway:	Cause: Discharge
Size/Priority: Small / 3	Location: 2234 MAIN AVE
Material Spilled	Amount Spilled Recovered Units Size Type
COKE OVEN VAPOR	UNK C
BENZENE	87 0 LBS S C

Spill Number: <b>9203-78-0766</b>	Entity: WARREN HARDWARE COMPANY
County: TRUMBULL	Address: 829 HIGH STREET
Twp/City: WARREN	
Reported: 03/03/92 10:16	Source: Fixed facility / Business
Area Aff: Land	V-tank storage (UST)
Waterway:	Cause: Other
Size/Priority: Unknown / 3	Location: 829 HIGH STREET
Material Spilled	Amount Spilled Recovered Units Size Type
GASOLINE	UNK U H

007684

Releases for Jan 90 thru Dec 93

Spill Number: 9211-78-4773	Entity: LTV STEEL CO				
County: TRUMBULL	Address: 2234 MAIN AVE				
Twp/City: WARREN	WARREN, OH 44482				
Reported: 11/10/92 11:19	Source: Fixed facility / Industry				
Area Aff: Air	Stack release - Air				
Waterway:	Cause: Equipment failure				
Size/Priority: Small / 4	Location: 2234 MAIN AVE				
Material Spilled	Amount Spilled	Recovered	Units	Size	Type
BENZENE	10	0	LBS	S	WC

Spill Number: 9211-78-4998	Entity: LTV STEEL CO				
County: TRUMBULL	Address: 2234 MAIN AVE				
Twp/City: WARREN	WARREN, OH 44482				
Reported: 11/24/92 15:20	Source: Fixed facility / Industry				
Area Aff: Air	Stack release - Air				
Waterway:	Cause: Equipment failure				
Size/Priority: Small / 4	Location: 2234 MAIN AVE				
Material Spilled	Amount Spilled	Recovered	Units	Size	Type
BENZENE	150	0	LBS	S	A
HYDROGEN CYANIDE	12	0	LBS	S	A

Spill Number: 9307-78-2990	Entity: LTV STEEL CO				
County: TRUMBULL	Address:				
Twp/City: WARREN					
Reported: 07/19/93 08:40	Source: Fixed facility / Industry				
Area Aff: Air / Land	Stack release - Air				
Waterway:	Cause: Sloppy operations				
Size/Priority: Unknown / 4	Location: S MAIN ST				
Material Spilled	Amount Spilled	Recovered	Units	Size	Type
METAL DUST			UNK	U	A

Spill Number: 9308-78-3525	Entity: WARREN STP				
County: TRUMBULL	Address: 2710 SR 5				
Twp/City: BAZETTA TWP	COURTLAND, OH 44410				
Reported: 08/23/93 11:20	Source: Fixed facility / Public				
Area Aff: Surface Water	Waste system				
Waterway: MOSQUITO CREEK TRIB	Cause: Discharge				
Size/Priority: Large / 4	Location: 2710 SR 5				
Material Spilled	Amount Spilled	Recovered	Units	Size	Type
ALUM SLUDGE	150,000	0	GAL	L	WW

007685

Run 06/03/94

Releases for Jan 90 thru Dec 93

Spill Number: 9310-78-4447	Entity: LTV STEEL CO
County: TRUMBULL	Address: 2234 MAIN AVE SW
Twp/City: WARREN	WARREN, OH
Reported: 10/28/93 14:15	Source:
Area Aff: Land	Cause: Dumping / disposal
Waterway:	Location: 2234 MAIN AVE SW
Size/Priority: Large / 3	
Material Spilled	Amount Spilled Recovered Units Size Type
COAL TAR	15,000 0 LBS L H

Spill Number: 9311-78-4783	Entity: WARREN SEWERS & DRAINS
County: TRUMBULL	Address:
Twp/City: WARREN	
Reported: 11/20/93 16:50	Source: Fixed facility / Public
Area Aff: Other	Waste system
Waterway:	Cause: Other
Size/Priority: Small / 4	Location: 632 BELMONT NE
Material Spilled	Amount Spilled Recovered Units Size Type
SEWAGE	UNK S S

Spill Number: 9312-78-4954	Entity: LTV STEEL
County: TRUMBULL	Address: 2234 MAIN AVENUE SOUTHWEST
Twp/City: WARREN TWP	WARREN, OH 44481
Reported: 12/06/93 09:54	Source: Fixed facility / Industry
Area Aff: Surface Water	Waste system
Waterway: MAHONING RIVER	Cause: Permit violation
Size/Priority: Medium / 3	Location: 2234 MAIN AVENUE
Material Spilled	Amount Spilled Recovered Units Size Type
CONTAMINATED WASTEWATER	500 0 GAL M C
AMMONIA	UNK S C
CYANIDE	UNK S C
PHENOLS	UNK S H
ORGANICS	UNK S C

007686

Releases for Jan 90 thru Dec 93

Spill Number: 9312-78-5109	Entity: LTV STEEL COMPANY
County: TRUMBULL	Address: 2234 MAIN AVENUE
Twp/City: WARREN	WARREN, OH
Reported: 12/17/93 11:25	Source: Fixed facility / Industry
Area Aff: Surface Water	Waste system
Waterway: MAHONING RIVER TRIB	Cause: Permit violation
Size/Priority: Unknown / 3	Location: 2234 MAIN AVENUE
Material Spilled	Amount Spilled Recovered Units Size Type
OIL	UNK U H

Spill Number: 9312-78-5152	Entity: WARREN SCRAP CO
County: TRUMBULL	Address:
Twp/City: WARREN TWP	
Reported: 12/22/93 12:55	Source: Transportation / Truck
Area Aff: Land	Boxcar, box trailer, or van body
Waterway:	Cause: Human error
Size/Priority: Small / 3	Location: RT 5 BYPASS
Material Spilled	Amount Spilled Recovered Units Size Type
TRANSFORMERS	5 0 ITM S GC

007687





Transmitted GA P

Environmental Control  
Monthly Report - January 1993

February 3, 1993

Unauthorized Discharge

High water levels on January 1, 1993 caused by three inches of rain from December 29, 1992 through December 31, 1992 created enough pressure to rupture a weir plate weld at 009 outfall and cause an unauthorized discharge. The discharge was monitored and reports sent to OEPA on January 4 and January 28, 1993.



Environmental Control Monthly Report  
January 1989

Unauthorized Discharges - January 30, 1989 BOF flight conveyor tank overflowed to NPDES Outfall No. 011. Cause was pump malfunction and partially plugged lines. All required Government agencies notified. A report will be mailed to the State in early February.



## **SUMMARY OF SOLID WASTE MANAGEMENT UNITS (SWMUs)**

### **SWMU #1: Solid Waste Landfill (active)**

**Type of Waste Handled:** BOF precipitator dust mixed with wastewater treatment plant sludge

**Known Waste Constituents:** Chromium, lead, nickel

**Potential for Release:** High potential for release to air if wetting practices are not performed properly for the dusty materials. Moderate potential for release to soils and groundwater, due to large volumes of waste handled at this unit over the last 30 years, even though the basic pH of the wastes may retard leaching of heavy metals. Moderate potential for release to surface water from precipitation runoff or wind transport of particulate.

### **SWMU #2: Surface Impoundments #5 and #6 (active)**

**Type of Waste Handled:** Process wastewaters

**Known Waste Constituents:** Lead, nickel, chromium, waste oil

**Potential for Release:** Past releases to the Mahoning River have been documented. High potential for release to soils and groundwater due to the age of the units (in operation for at least 34 years), and construction (unlined).

### **SWMU #3: 56" Mill Lagoon (active)**

**Type of Waste Handled:** Process wastewaters

**Known Waste Constituents:** Lead, nickel, chromium, phenol, waste oil

**Potential for Release:** High potential for release to soils and groundwater due to construction (lined only with bentonite), and age of unit (in operation for 30 years).

### **SWMU #4: Waste Pile (Inactive)**

**Type of Waste Handled:** Refractories and iron-bearing revert materials.

**Known Waste Constituents:** Unknown

**Potential for Release:** Unknown; little information available on unit construction or operation.

### **SWMU #5: Waste Pile (Active)**

**Type of Waste Handled:** Construction rubble, slag, demolition debris, and other miscellaneous materials.

**Known Waste Constituents:** Unknown

**Potential for Release:** Unknown; little information available on unit construction or operation.

### **SWMU #6: Storage tank (active, aboveground)**

**Type of Waste Handled:** Used oil and wastewater

**Known Waste Constituents:** Wastewater constituents (chromium, lead, cadmium, nickel, phenol) and waste oil

**Potential for Release:** Moderate potential for release to soils and groundwater. Oil-stained soils are present around the tank. The only secondary containment is a slag berm.

**SHMU #7:** Drum Storage Area (active)**Type of Waste Handled:** Used oil, grease, occasionally flammable or chlorinated solvents**Known Waste Constituents:** Chlorinated hydrocarbons, oils**Potential for Release:** High potential for release to soils and groundwater. The storage area is unpaved and soils are stained in this area. Moderate potential for precipitation runoff to reach the Mahoning River, which is less than 100 feet to the west of the unit.**SHMU #8:** Galvanized Line Baghouse Dust Storage Area (active)**Type of Waste Handled:** Baghouse dust**Known Waste Constituents:** Chromium, arsenic**Potential for Release:** High potential for release to air if wetting procedures or loading/unloading procedures are not done properly. Low potential for direct release to soils or groundwater, as the unit is on an asphalt base. However, any dust present on the asphalt may be washed through a drain to the Number 5 surface impoundment. Therefore, any sampling performed for releases from the Number 5 surface impoundment should include arsenic as an analytical parameter.**SHMU #9:** Central Wastewater Treatment Plant (active)**Type of Waste Handled:** Process wastewaters from Pond Number 6**Known Waste Constituents:** (chromium, waste oil, bis(2-ethylhexyl) phthalate, phenol, 1,1,1-trichloroethane, carbon tetrachloride, toluene, nickel, lead, phenol)**Potential for Release:** Plant tanks and equipment appear to be well maintained, indicating low potential for release to soils or groundwater.**SHMU #10:** Blast Furnace Wastewater Recycle System (active)**Type of Waste Handled:** Blast furnace stack gas scrubber water**Known Waste Constituents:** Ammonia, nitrogen, cyanide, phenol, lead, zinc, nickel**Potential for Release:** Plant tanks and equipment appear to be well maintained, indicating low potential for release to soils or groundwater.**SHMU #11:** Slabbing Mill Scale Pit and Settling Basin (active)**Type of Waste Handled:** Process cooling water**Known Waste Constituents:** lead, nickel, waste oil**Potential for Release:** High potential for release to soils and groundwater if the sides or floors of the pits have shifted or cracked. Condition of units is unknown.**SHMU #12:** Waste Recycling Operations (active)**Type of Waste Handled:** K062**Known Waste Constituents:** Chromium, lead, cadmium, barium, silver**Potential for Release:** Releases occurred in 1985 to the City of Warren wastewater treatment plant from problems with the various acid sewers. In February 1985, about 200 gallons of K062 waste spilled onto the ground and into a storm sewer, which flows to Pond # 5, when a truck lost a quick disconnect. The area was flushed with water as a remedial response. Unknown

potential for release to soils and groundwater from any cracks in the sewer line to Pond #5.

**SMU #13:** Former K087 Tar Decanter Sludge Mixing Area (inactive)

**Type of Waste Handled:** K087 mixed with coal

**Known Waste Constituents:** Phenol, naphthalene, polynuclear aromatic hydrocarbons

**Potential for Release:** High potential for release to surface water, soils, and groundwater due to the location of the unit and the lack of release controls. A portion of this unit is located on land currently owned by LTV Company.





# U.S. ENVIRONMENTAL PROTECTION AGENCY ACCIDENTAL RELEASE PREVENTION QUESTIONNAIRE

## INITIAL REPORT

### SECTION I. FACILITY PROFILE

1. FACILITY NAME: WARREN CONSOLIDATED INDUSTRIES, INC.

2. Dun & Bradstreet Number: 118182716935

3a. FACILITY MAILING ADDRESS:

1040 Pine Ave. S.E.

Street

Warren

City

Ohio

State

44483-6528

Zip Code

b. Facility physical address:

1040 Pine S.E.

Street

Warren

City

Ohio

State

44483-6528

Zip Code

4. Latitude Longitude

DEG	MIN	DEG	MIN
41	12	80	48

5. NAME AND ADDRESS OF OWNER  
OR CHIEF EXECUTIVE OFFICER:

James V. Stack President & CEO  
Name  
1040 Pine Ave. S.E.  
Street  
Warren  
City  
Ohio  
State  
44483-6528  
Zip Code

6a. RESPONDENT:

Thomas O. Shepker  
Name  
Manager of Environmental Control  
Title  
1040 Pine Ave. S.E.  
Street  
Warren  
City  
Ohio  
State  
44483-6528  
Zip Code  
( 216 ) 841-8300  
Telephone

b. DATE QUESTIONNAIRE  
COMPLETED:

April 1, 1990

7. Indicate the total number of employees typically at the facility (include all full-time and part-time employees, all employees on paid sick leave, paid holidays, paid vacations, managers and corporate officers at the facility). 2509

8. Identify the four-digit Standard Industrial Classification (SIC) that best describes your facility operations and the primary product or service of this facility.

a. SIC code: 3 3 1 2

b. Primary product or service: Semi Finished, Flat Rolled, Carbon and Low Alloy Steel Coils and Sheets

c. For facilities with multiple SIC codes, please identify the additional SIC codes.

— — — — —

## SECTION II. HAZARDOUS SUBSTANCE RELEASE PROFILE

The following section asks several questions concerning the accidental release of hazardous substances. If exact responses cannot be provided, please provide estimates using your best professional judgment.

9. Indicate the date release began.

$\frac{1}{\text{(month)}} \frac{0}{\text{(day)}} - \frac{1}{\text{(month)}} \frac{7}{\text{(day)}} - \frac{8}{\text{(year)}} \frac{9}{\text{(year)}}$

Indicate date release ceased.

$\frac{1}{\text{(month)}} \frac{0}{\text{(day)}} - \frac{1}{\text{(month)}} \frac{7}{\text{(day)}} - \frac{8}{\text{(year)}} \frac{9}{\text{(year)}}$

10. Indicate time of day release began.

$\frac{0}{\text{A.M.}} \frac{4}{\text{P.M.}} : \frac{0}{\text{A.M.}} \frac{0}{\text{P.M.}}$

Indicate the time of day release ceased.

$\frac{0}{\text{A.M.}} \frac{4}{\text{P.M.}} : \frac{4}{\text{A.M.}} \frac{5}{\text{P.M.}}$

11a. Check the item below that best describes the status of the process line where the event occurred at the time of release.

1. ☐ In operation
2. ☐ Temporarily inactive
3. ☐ Testing/Trial Run
4. ☐ Scheduled startup
5. ☐ Scheduled shutdown
6. ☐ New construction
7. ☒ During Maintenance
8. ☐ Production Changeover

b. Check the item below that best describes the current status of the process line where the event occurred.

1. ☒ In operation
2. ☐ Temporarily inactive
3. ☐ Permanently closed

If item 2 or 3 is marked, answer Question 11c; otherwise go to question 12.

c. Is the shut down of operations at the process line related to the accidental release of hazardous substances?

☐ Yes  
☐ No

12a. Were federal authorities notified?

☒ Yes  
☐ No

b. If yes, please indicate which federal authorities were notified:

1. ☒ National Response Center telephone number called ( 800 ) 424-8802
2. ☐ Coast Guard telephone number called ( )
3. ☐ EPA telephone number called ( )
4. ☐ Other (specify) \_\_\_\_\_

c. Indicate the date and time of day federal authorities were notified.

1 0 - 1 8 - 8 9 (Date)  
(month) (day) (year)

0 3 : 3 5 (Time)  
☐ A.M.  
☒ P.M.

13a. Were state authorities notified?

☒ Yes  
☐ No

b. If yes, identify all state authorities notified concerning the release. (If more than one, please attach list on separate page)

<u>Cris Stout</u>	<u>Duty Officer</u>
(Name)	(Title)
<u>Ohio EPA Emergency Response Center</u>	
(Agency)	
<u>Columbus</u>	
(City)	
<u>Ohio</u>	
(State)	
<u>( 800 ) 282-9378</u>	
(Telephone)	

Michael W. Stevens  
(Name)  
Ohio EPA , Div. of Water Pollution Control, Enforcement Group  
(Agency)  
Twinsburg  
(City)  
Ohio  
(State)  
(216 ) 425-9171  
(Telephone)

c. Indicate the date and time of day state authorities were notified.

$\frac{1}{\text{(month)}} \frac{0}{\text{(day)}} - \frac{1}{\text{(month)}} \frac{8}{\text{(day)}} - \frac{8}{\text{(year)}} \frac{9}{\text{(year)}} \text{ (Date)}$

$\frac{0}{\text{(hour)}} \frac{3}{\text{(minute)}} : \frac{2}{\text{(hour)}} \frac{5}{\text{(minute)}} \text{ (Time)}$

   A.M.

X P.M.

c. Indicate the date and time of day state authorities were notified.

1 0 - 1 8 - 8 9 (Date)  
(month) (day) (year)

0 3 : 3 0 (Time)  
   A.M.  
X P.M.

14a. Were local authorities notified?

X Yes  
   No

b. If yes, identify all local authorities notified concerning the release. (If more than one, please attach list on separate page)

William Craig Coordinator , Trumbull County Emergency Planning Committee  
(Name) (Title)

Trumbull County Emergency Planning Committee  
(Agency)

Warren  
(City)

Ohio  
(State)

(216 ) 392-6777  
(Telephone)

c. Indicate the date and time of day local authorities were notified.

1 0 - 1 9 - 8 9 (Date)  
(month) (day) (year)

0 9 : 3 0 (Time)  
X A.M.  
   P.M.

15a. Was the general public notified?

   Yes  
X No

- b. If yes, indicate the person that notified the general public of the release. (If more than one, please attach list on separate page)

(Name) \_\_\_\_\_ (Title) \_\_\_\_\_

(Agency) \_\_\_\_\_

(City) \_\_\_\_\_

(State) \_\_\_\_\_

( ) \_\_\_\_\_

(Telephone) \_\_\_\_\_

16. For this particular release, what type(s) of communication technologies were used by the facility to alert and notify the public to evacuate or take other safety measures?

- a. ☐ Door-to-door notification  
b. ☐ Loudspeakers/public address system  
c. ☐ Tone alert radio/pagers  
d. ☐ Siren/alarms  
e. ☐ Modulated power lines  
f. ☐ Aircraft  
g. ☐ Radio  
h. ☐ Television  
i. ☐ Cable override  
j. ☐ Telephone  
k. ☒ None  
l. ☐ Other (please describe)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- 17a. Were members of the general public evacuated? b. Were members of the general public sheltered in place?

☐ Yes  
☒ No

If yes, please indicate number evacuated.

\_\_\_\_\_

$\overline{x}$	Yes
	No

If yes, please indicate number sheltered in place.

\_\_\_\_\_

18. To the best of your ability, indicate the weather conditions at the time of release for each item below. Approximations are acceptable.

- a. Wind Speed (miles per hour)            6
- b. Wind Direction                                  N     W
- c. Humidity (percent)                                 9     3
- d. Temperature (Fahrenheit)                     4     8
- e. Precipitation?                                   Yes    x No

National Weather Service  
Youngstown Airport

19. Briefly describe the circumstances that led up to the release (if helpful include a sketch).

The company electrical construction unit of the electrical department scheduled the removal of a utility pole which was defective. The replacement of the pole required that the power be shut off during removal and replacement operations. Unanticipated problems which occurred during removal necessitated the shutting off the power on two consecutive days to complete the job. The power that was shut off drives the pumps for the central waste water treatment plant and thus they were shut down on the consecutive days of October 16 & 17, 1989. Environmental control, unaware that power would be shut off on Oct. 16 & 17 had asked the central waste water treatment plant to increase the pond level to facilitate surface oil removal. The combination of the pole replacement requiring power outages on two days and environmental dept. raising the pond level for oil removal caused the pond to overflow for 45 minutes.

20. Please check the one item below that best describes the location of the release within your facility.

- a. ☐ Process vessel
- b. ☐ Storage vessel
- c. ☐ Valves on process vessel
- d. ☐ Valves on storage vessel
- e. ☐ Piping on process vessel
- f. ☐ Piping on storage vessel
- g. ☐ Pumps
- h. ☐ Joints
- i. ☐ Unknown
- j. ☒ Other (please describe)

Surge pond for finishing mills waste water prior to treatment.

21. How was the release first discovered? (check as many as apply)

- a. ☐ Indication by process control device (gauge or monitor)
- b. ☐ Chemical specific detector
- c. ☐ General operator observation
- d. ☒ Observation by foreman or supervisor
- e. ☐ Injury/death
- f. ☐ Explosion/fire
- g. ☐ Major environmental damage
- h. ☐ Third party notification (i.e., POTW, community, other facility)
- i. ☐ Other (describe below)



22. Please check the one item below that best describes the **primary cause** of the release event. (please check one item only)

- a. ☐ Equipment failure
  - b. ☐ Operator error
  - c. ☐ Bypass condition
  - d. ☐ Upset condition (explain below)
  - e. ☐ Fire
  - f. ☒ Maintenance activity
  - g. ☐ Unknown
  - h. ☐ Other (Please describe)
- 
- 

23. Please check any items below that describe **additional causes** of the release event. (check as many items as apply)

- a. ☐ Equipment failure
  - b. ☐ Operator error
  - c. ☐ Bypass condition
  - d. ☐ Upset condition (elaborate below)
  - e. ☐ Fire
  - f. ☐ Maintenance activity
  - g. ☐ Unknown
  - h. ☒ Other (Please describe)
- Communications
- 
- 

24. Check the items that describe the end effects of the release event. (check as many as apply)

- a. ☐ Spill
  - b. ☐ Vapor release
  - c. ☐ Explosion
  - d. ☐ Fire
  - e. ☒ Other (describe)
- Surge Pond Overflow
- 
-

25a. In the table below, please estimate the quantity of each substance released to each media. Be sure to specify the measurement unit.

Chemical	Media	Quantity	Unit
1a. Name <u>Finishing Mills Waste Water</u>	Air	<u>                    </u>	<u>                    </u>
b. CAS # <u>                                    </u>	Surface Water	<u>18,000</u>	<u>Gallon</u>
c. Physical	Land	<u>                    </u>	<u>                    </u>
State <u>Liquid</u>	Sewer to Treatment Facility	<u>                    </u>	<u>                    </u>
d. Concentration <u>                                    </u>			
2a. Name <u>Hydrochloric Acid</u>	Air	<u>                    </u>	<u>                    </u>
b. CAS # <u>7647-01-0</u>	Surface Water	<u>90</u>	<u>Gallon</u>
c. Physical	Land	<u>                    </u>	<u>                    </u>
State <u>Liquid in rinse water</u>	Sewer to Treatment Facility	<u>                    </u>	<u>                    </u>
d. Concentration <u>Range .2 to .5%</u>			
3a. Name <u>                                    </u>	Air	<u>                    </u>	<u>                    </u>
b. CAS # <u>                                    </u>	Surface Water	<u>                    </u>	<u>                    </u>
c. Physical	Land	<u>                    </u>	<u>                    </u>
State <u>                                    </u>	Sewer to Treatment Facility	<u>                    </u>	<u>                    </u>
d. Concentration <u>                                    </u>			
4a. Name <u>                                    </u>	Air	<u>                    </u>	<u>                    </u>
b. CAS # <u>                                    </u>	Surface Water	<u>                    </u>	<u>                    </u>
c. Physical	Land	<u>                    </u>	<u>                    </u>
State <u>                                    </u>	Sewer to Treatment Facility	<u>                    </u>	<u>                    </u>
d. Concentration <u>                                    </u>			

b. Please check the items below that describe your methods or source of information for your responses in Question 25a. (check as many as apply)

- ☐ physical properties and ambient conditions
- ☐ on-line instrument
- ☒ engineering estimate
- ☐ tank/system inventory
- ☒ chemical analysis
- ☒ effluent measured
- ☐ inventory check
- ☐ computer simulation
- ☐ process records
- ☐ no release to media
- ☐ other (please describe)

26a. Did any substances identified in Question 25, migrate beyond the legal boundaries of your facility (for example, a vapor release was carried by prevailing wind beyond the fence line of your facility)?

- ☒ Yes (If yes, please answer Question 26.b and c)
- ☐ No (If no, skip Question 26.b and answer Question 26c)

b. In the table below specify the quantities of substances that migrated beyond your facility boundaries.

Chemical	Media	Quantity	Unit
1. Name: <u>Waste Water</u>	Air		
Physical state: <u>Liquid</u>	Surface Water	<u>18,000</u>	<u>Gal.</u>
	Land		
	POTW		
2. Name: <u>Hydrochloric acid</u>	Air		
Physical state: <u>Liquid</u>	Surface Water	<u>90</u>	<u>Gal.</u>
	Land		
	POTW		
3. Name: _____	Air		
Physical state: _____	Surface Water		
	Land		
	POTW		
4. Name: _____	Air		
Physical state: _____	Surface Water		
	Land		
	POTW		

c. Please check the items below that describe your methods or source of information for your responses in question 26b.

- ☐ physical properties and ambient conditions
  - ☐ on-line instrument
  - ☒ engineering estimate
  - ☐ tank system inventory
  - ☒ chemical analysis
  - ☒ effluent measured
  - ☐ computer simulation
  - ☐ inventory check
  - ☐ process records
  - ☐ assumed
  - ☐ other (please describe)
- 
- 

27. Did injuries occur among facility employees or contractors as a result of the event?

- ☐ Yes
- ☒ No

a. If yes, please indicate number of injuries.

— — — — —

b. How many of these received hospital treatment?

— — — — —

☐ Number treated unknown

c. Did deaths occur among facility employees or contractors as a result of the event?

- ☐ Yes
- ☒ No

If yes, please indicate number of deaths.

— — — — —

28. Did injuries occur among the general public as a result of the event?

- ☐ Yes
- ☒ No
- ☐ Don't know

a. If yes, please indicate number of injuries.

-----  
b. How many of these received hospital treatment?

-----

\_\_\_ Number treated unknown

c. Did deaths occur among the general public as a result of the event?

\_\_\_ Yes

X No

\_\_\_ Don't know

If yes, please indicate number of deaths.

-----

29. Please indicate the environmental effects that occurred as a result of the release:

- a. \_\_\_ Fish kills
- b. \_\_\_ Vegetation damage
- c. \_\_\_ Soil contamination
- d. \_\_\_ Groundwater contamination
- e. \_\_\_ Wildlife kills
- f. X None
- g. \_\_\_ Other (please specify)

\_\_\_\_\_  
\_\_\_\_\_

### SECTION III. CLEANUP AND PREVENTION PROFILE

30. Please describe the immediate response activities taken to contain or minimize the release.

When it was discovered that the surge pond would overflow the job was  
completed as quickly as possible (approximately 1/2 hour). The pond  
continued to overflow for 10 to 15 minutes after power was restored.

31. Did your facility undertake cleanup of the release?

☐ Yes (If yes, skip Question 32a.)

☐ No

☒ Not Applicable      The waste water mixed immediately in the Mahoning River

- 32a. Please supply the name and address of the party responsible for cleanup.

☒ Not Applicable

\_\_\_\_\_  
(Name) (Title)  
\_\_\_\_\_  
(Agency)  
\_\_\_\_\_  
(City)  
\_\_\_\_\_  
(State)  
\_\_\_\_\_  
( )  
(Telephone)

- b. Has cleanup of the release been completed?

☐ Yes (If yes, please answer Questions 32c.)

☐ No (If no, please answer Question 32d.)

- c. Indicate the date cleanup activity ceased.

(month) - (day) - (year)

- d. Please indicate the approximate date completion of cleanup activity is expected.

(month) - (day) - (year)

33. How did you dispose of the waste generated during the spill and cleanup?

On site NA

Off site NA

34a. Prior to this release event, which types of formalized hazard assessments were performed? (Check as many items as apply). For those items checked, please indicate the frequency performed (i.e., quarterly, annually, one time, or on occasion).

	Frequency
<input type="checkbox"/> Cause-consequence analysis	_____
<input type="checkbox"/> Dow and Mond Hazard Indices	_____
<input type="checkbox"/> Event tree analysis	_____
<input type="checkbox"/> Failure modes, effects, and criticality analysis	_____
<input type="checkbox"/> Fault tree analysis	_____
<input type="checkbox"/> HAZOP/hazard and operability studies	_____
<input type="checkbox"/> Human error analysis	_____
<input type="checkbox"/> Probabalistic risk assessment	_____
<input type="checkbox"/> What if analyses	_____
<input checked="" type="checkbox"/> None	_____
<input type="checkbox"/> Other (please describe)	_____
_____	_____
_____	_____
_____	_____

b. What is your opinion of the effectiveness of each of the assessment techniques used?

NA

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

35. Prior to this release event, which of the following pre-release controls have been employed specifically to identify/prevent the type of release that occurred? (Check as many items as apply)

- a. ☒ Preventative maintenance
- b. ☒ Regular equipment inspections and testing
- c. ☐ Hazard assessment
- d. ☐ Comprehensive audit
- e. ☐ Regular assessment of equipment designs
- f. ☒ Process controls for operations monitoring and/or warning
- g. ☐ Regular upgrading of equipment
- h. ☐ Comprehensive investigation on similar equipment failure
- i. ☒ Standard operating procedures
- j. ☒ Release prevention equipment
- k. ☐ Equipment installation checks
- l. ☐ Other (please describe)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

36. Prior to this release, what management activities related to safety and loss prevention have been employed? (Check as many as apply)

- a. ☒ Employee safety training (e.g., OSHA training programs)
  - b. ☒ Emergency Response training
  - c. ☐ Employee testing
  - d. ☐ Certification of operators on equipment/system
  - e. ☐ Membership in CAER or other similar programs
  - f. ☐ Release control program
  - g. ☒ Accident investigation reports
  - h. ☐ Research/conferences
  - i. ☐ Safety loss prevention office/officer
  - j. ☐ Corrective action process for deviation from rules
  - k. ☐ Program to improve system design
  - l. ☐ None
  - m. ☐ Other (please describe)
- 
- 

37. For this particular release, what method(s) of pre-release protection equipment (systems to capture, neutralize, or destroy a toxic chemical before it is released into the environment) is used by the facility? (Check as many items as apply)

- a. ☒ Containment (i.e., diking, dump tank - explain below)
  - b. ☐ Neutralization
  - c. ☐ Scrubber
  - d. ☐ Flares/incineration
  - e. ☐ Adsorbers
  - f. ☐ Spray curtain
  - g. ☒ Emergency Equipment (i.e., fire fighting)
  - h. ☐ None
  - i. ☐ Other (please describe)
- 
- 

38. For this particular release, what systems or procedures were employed by the facility to minimize accident potential? (Check all that apply)

- a. ☐ Backup systems
  - b. ☐ Redundant systems
  - c. ☐ Minimize inventory
  - d. ☐ Valve lock out
  - e. ☐ Automatic shut off
  - f. ☐ Bypass and surge systems
  - g. ☐ Manual override
  - h. ☐ Limit capacity of equipment
  - i. ☐ Standard Operating Procedures (logs, checklists)
  - j. ☐ Alarms
  - k. ☐ Interlocks
  - l. ☒ None
  - m. ☐ Other (please describe)
- 
-



39. In response to this release, which of the following pre-release controls have been implemented or modified to identify/prevent future potential releases? (Check as many as apply)

- a. ☐ Preventative maintenance
- b. ☐ Regular equipment inspections and testing
- c. ☐ Hazard assessment
- d. ☐ Comprehensive audit
- e. ☐ Regular evaluation of equipment designs
- f. ☐ Increased process controls for operations monitoring and/or warning
- g. ☐ Upgrading equipment
- h. ☐ Revised standard operating procedures
- i. ☐ Follow accident report investigation recommendations
- j. ☐ Develop or refine emergency response planning
- k. ☒ Other (please describe)

Improved communication between environmental and maintenance departments.

40. Describe the changes in the content of your training programs as a result of this release.

Discussions were held between environmental and maintenance supervision to insure that sufficient notification is given prior to doing work which has an impact on pollution control equipment.

41. Describe the immediate equipment repairs and/or replacements, management practices, operational changes, etc. made as a result of the release.

NA

42. What additional long term preventative measure(s) will be taken to minimize the possibility of recurrence?

This release will be discussed and reviewed with other maintenance and engineering supervisors to prevent similar types of occurrences.





State of Ohio Environmental Protection Agency

Northeast District Office

E. Aurora Road  
Columbus, Ohio 44087-1969  
(216) 425-9171

CC = 45-37746-42



Richard F. Celeste  
Governor

CERTIFIED MAIL

June 17, 1988

RE: LTV STEEL COMPANY  
WARREN WORKS  
TRUMBULL COUNTY  
OHD 060-409-520  
#02-78-0184

RECEIVED  
OHIO EPA

JUN 20 1988

DIV. of SOLID & HAZ. WASTE MGT.

Mr. Tom Shepker  
LTV Steel Company  
Warren Works  
1040 Pine Avenue  
Warren, Ohio 44481

Dear Mr. Shepker:

On May 31, 1988, this writer and Greg Taylor conducted a hazardous waste inspection at LTV Steel Company, Warren Works, located at 1050 Pine Street, SE, Warren. You, Dave Calderwood, Rich Nemeth, Bob Voytko, and Dick Gradishar represented the facility during the inspection. The facility was inspected for compliance with both Ohio and Federal hazardous waste regulations. The following violations were noted during the inspection:

- (1) 40 CFR 265.37 and OAC 3745-65-37 - Arrangements/Agreements with Local Authorities; 40 CFR 265.52 and OAC 3745-65-52 - Content of Contingency Plan

The facility's Contingency Plan must describe agreements/arrangements agreed to by local police departments, fire departments, hospitals, contractors, Ohio EPA, and local emergency response teams to coordinate emergency services at the facility. The facility must attempt to make arrangements/agreements with all emergency authorities to familiarize these authorities to the layout of the facility, properties of hazardous waste handled at the facility, places where facility personnel would normally work, entrances to roads inside facility, evacuation routes; if more than one police or fire department may respond, then agreements must designate a primary emergency authority (police or fire department) and agreements with others (police or fire departments) to provide secondary support; arrangements with Ohio EPA emergency response team, emergency response contractors; arrangements to familiarize local hospitals with properties of waste handled, types of injuries, illnesses that could result

Mr. Tom Shepker  
LTV Steel Company  
Warren Works  
June 17, 1988  
Page Two

from fires, explosions or releases of hazardous waste constituents. The facility must document where local authorities decline to enter into such agreements or arrangements.

I (2) 40 CFR 265.142 and OAC 3745-66-42 - Cost Estimate for Closure

The facility is required to revise the closure cost estimate no later than thirty days after a revision has been made to the closure plan which increases the cost of closure. The revised closure cost estimate must be adjusted for inflation. The facility's September 1986 revised closure plan, which was a revision of the May 6, 1981, plan has a total closure cost estimate of \$228,700.

During the inspection it was noted that the design and capacity of the two permitted pickle liquor sumps was altered in order for the facility to meet the Federal Subpart J Tank System requirements. According to OAC 3745-50-51, the facility must submit all the required information addressing a permit change request for the sumps. As explained to me during the inspection, you are very shortly anticipating a change in ownership of the facility and will be requesting a transfer of ownership of the hazardous waste permit. I have no objection to the permit change request for the sumps being included in the request for transfer of ownership. Please note that all information pertaining to the permit change request must be submitted to Mr. Thomas Crepeau, Ohio EPA, 1800 Watermark Drive, P.O. Box 1049, Columbus, Ohio 43266-1049.

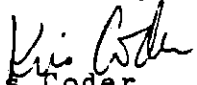
As part of this inspection, a RCRA Land Disposal Restriction Check List was completed. Enclosed you will find a copy of the check list which is being forwarded to the U.S. EPA, Region V, Chicago office for their evaluation and appropriate follow up. Please also note that an evaluation of your facility's financial responsibility requirements was not done as a part of this inspection.

Within 30 days of receipt of this letter document, to my attention at this office, information correcting the above referenced violations.

Mr. Tom Shepker  
LTV Steel Company  
Warren Works  
June 17, 1988  
Page Three

If I can be of further assistance, please advise me.

Yours truly

  
Kris Coder  
Environmental Scientist  
Division of Solid & Hazardous Waste Management

KC:cll

Enclosure

cc: Debby Berg, DSHWM, NEDO  
Dave Sholtis, DSHWM, CO



→ Compliance File

CMF



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:

29 OCT 1986

MEMORANDUM

SUBJECT: LTV Corporation Bankruptcy

FROM: Jane M. Lupton *Jane M. Lupton*  
Assistant Regional Counsel

TO: John Wheeler (LE-134S)  
Office of Enforcement and Compliance Monitoring

During our October 16, 1986 conference call, I informed you and Anne Allen that Region V was compiling information regarding LTV Corporation's (and its subsidiaries') compliance with RCRA. Anne had specifically requested information about compliance with RCRA's financial requirements for Region V treatment, storage and disposal (TSD) facilities affected by the bankruptcy.

There are four LTV TSD facilities in Region V that are not in compliance. The Republic Steel Corporation facility located in Gary, Indiana (IND005444005) does not have liability insurance coverage for either sudden or nonsudden accidental occurrences and has not established financial assurance for closure. Three facilities in Ohio (Republic Steel, Mahoning Valley (OHD060409521) in Warren, LTV Steel (OHD004228003) in Canton, and Republic Steel Corp. (OHD004218673) in Cleveland) had liability insurance coverage that expired in March 1986. The Ohio Environmental Protection Agency has not been notified that coverage was extended after that time. These three facilities have a "performance bond" in place to satisfy RCRA's closure/post-closure financial assurance requirements. They have not yet performed the required annual adjustment for 1986, which was due earlier this year.

I will notify you once I receive further information about these facilities. Please call me at FTS 886-6830 if you have any questions.

cc: William Munro



State Of Ohio Environmental Protection Agency

Northeast District Office  
2110 E. Aurora Road; Twinsburg, Ohio 44087-1969

(216) 425-9171



Richard F. Celeste, Governor

October 1, 1986

RE: LTV STEEL COMPANY  
WARREN FACILITY  
TRUMBULL COUNTY  
OHD 060-409-521  
#02-78-0184

LTV Steel Company  
Warren Facility  
1040 Pine Ave.  
Warren, Ohio 44481

Attn: R. J. Lannon

Dear Mr. Lannon:

This is to advise you that we are in receipt of your July 17 and August 13, 1986, letters and enclosures. We are also in receipt of your September 19, 1986, closure plan for all permitted storage units. It appears that your facility has achieved compliance with violations 1 through 9 of my June 16, 1986, inspection letter. Please be advised that a joint Ohio and U.S. EPA review of your closure plan must be conducted before your plan may be formally approved.

As you are aware the closure of the coal pile is being addressed under the September 2, 1986, Director's Final Findings and Orders.

Please advise me if you have any questions.

Yours truly,

Kris L. Coder  
Environmental Scientist  
Division of Solid and Hazardous Waste  
Management

KLC/sp

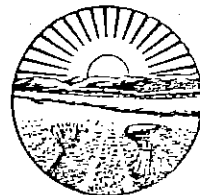
cc: Dave Mentzer, DSHWM, Central Office





State Of Ohio Environmental Protection Agency

P.O. Box 1049, 361 East Broad St., Columbus, Ohio 43216-1049  
(614) 466-8565



Richard F. Celeste, Governor

September 2, 1986

Re: Director's Final Findings & Orders  
LTV Steel Company  
US EPA ID No.: OHD060409521  
Ohio Permit No.: 02-78-0184

LTV Steel Company  
1040 Pine Avenue  
Warren, Ohio 44481

CERTIFIED MAIL

Dear Sir:

Transmitted herewith are Final Findings & Orders of the Director concerning the matter indicated.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Board of Review pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. It must be filed with the Environmental Board of Review within thirty (30) days after notice of the Director's action. A copy of the appeal must be served on the Director of the Ohio Environmental Protection Agency and the Environmental Law Division of the Office of the Attorney General within three (3) days of filing with the Board. An appeal may be filed with the Environmental Board of Review at the following address:

Environmental Board of Review  
250 E. Town St.  
Room 101  
Columbus, Ohio 43215

Very truly yours,

*Thomas E. Crepeau*

Thomas E. Crepeau  
Division of Solid & Hazardous Waste Management

TEC/dhs

cc: Ed Kitchen, E&S, DSHWM  
Bill Skowronski, NEDO, DSHWM  
Rose Freeman, US EPA, Region V

1161R

Ohio Environmental Protection Agency  
RECEIVED  
ENTERED DIRECTOR'S JOURNAL  
SEP 2 1986  
SEP 05 1986  
SOLID WASTE BRANCH  
U.S. EPA REGION V

I certify this to be a true and accurate copy of the official document as filed in the records of the Ohio Environmental Protection Agency.

By: *Victor Davis* Date *9/2/86*

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

LTV Steel Company  
1040 Pine Avenue  
Warren, Ohio 44481

:  
:  
:  
:  
:  
:

Director's Final Findings  
and Orders

Pursuant to Section 3734.13 of the Ohio Revised Code, the  
Director of Environmental Protection hereby makes the following  
Findings and issues the following Orders.

FINDINGS

1. The LTV Steel Company operates a steel processing facility (hereinafter LTV) in Warren, Ohio and was granted Hazardous Waste Facility Installation and Operation Permit No. 02-78-0184 (OHD-060-409-521) on December 4, 1981.
2. The placement of coal tar decanter sludge (K087) onto the coal pile prior to placement into the process meets the definition of storage as defined in OAC 3745-50-10.
3. The mixing of the (K087) with the coal pile has been conducted since May 23, 1984.
4. LTV does not have a storage permit for the storage of hazardous waste (K087) in a waste pile.
5. LTV is in violation of the following requirements applicable to storage in a waste pile; 3745-67-50; 3745-67-51 (protection from wind), 3745-67-52 (waste analysis), 3745-67-53 (containment), 3745-67-56 (special requirements for ignitable or reactive wastes), 3745-67-57 (special requirements for incompatible wastes), 3745-67-58 (closure and post closure care).
6. The mixing of a galvanized baghouse dust with waste pickle liquor (K062) meets the definition of treatment in OAC 3745-50-10.
7. The mixing of the galvanized baghouse dust and waste pickle liquor has been occurring since July 29, 1981.
8. LTV does not possess a treatment permit for the treatment of the EP toxic baghouse dust.

ORDERS

1. LTV shall immediately and permanently cease the unpermitted treatment activity consisting of the mixing of galvanized baghouse dust and waste pickle liquor and the unpermitted storage activity consisting of the mixing of coal tar decanter sludge with the coal pile.

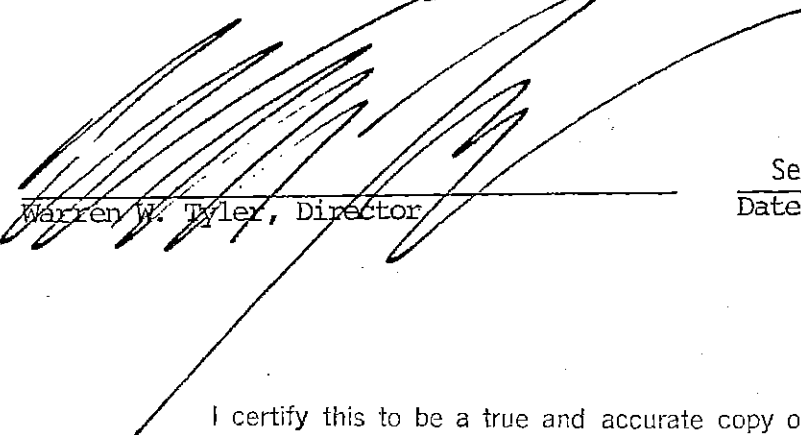
I certify this to be a true and accurate copy of the  
official document as filed in the records of the Ohio  
Environmental Protection Agency.

By: Univ. Davis Date 9/2/84

Ohio Environmental Protection Agency  
ENTERED DIRECTOR'S JOURNAL

SEP 2 1986

2. LTV shall submit a closure plan for the waste pile storage area to both Ohio EPA and U.S. EPA within 30 days after the effective date of these Findings and Orders.
3. LTV shall investigate the installation of an approvable process to recycle coal tar decanter sludge, in accordance with U.S. EPA waste minimization requirements, and shall submit a report of its investigation to Ohio EPA within 120 days after the effective date of these Findings and Orders. Until the Ohio EPA has given written approval of such process, LTV shall not recycle coal tar decanter sludge at the Warren Works except as may be authorized by Ohio EPA.
4. LTV shall investigate the sale of galvanized baghouse dust as a usable product (as an alternative to land disposal) and shall submit a report of its investigation to Ohio EPA within 120 days after the effective date of these Findings and Orders.

  
\_\_\_\_\_  
Warren W. Tyler, Director

September 2, 1986

\_\_\_\_\_  
Date

Ohio Environmental Protection Agency  
ENTERED DIRECTOR'S JOURNAL

SEP 2 1986

I certify this to be a true and accurate copy of the official document as filed in the records of the Ohio Environmental Protection Agency.

By: William Davis Date 9/2/86

LTV Steel Company



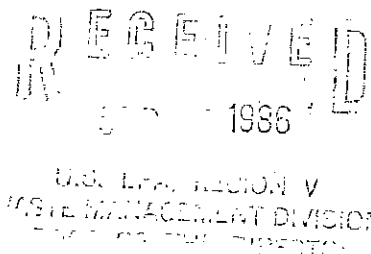
September 2, 1986

CERTIFIED MAIL

U.S. Environmental Protection Agency  
Region V  
230 South Dearborn  
Chicago, IL 60604

Attention: Regional Administrator

Re: LTV Steel Company, Inc.  
Warren Works  
OHD 060 409 521



Dear Sir/Madam:

Please be advised that on July 17, 1986, The LTV Corporation and numerous of its subsidiaries, including LTV Steel Company, Inc., filed petitions for reorganization under Chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Southern District of New York. The Chapter 11 proceedings have been assigned case numbers 86 B 11270 through 86 B 11334 inclusive and have been referred to the Honorable Burton R. Lifland, United States Bankruptcy Judge.

This notification is being made pursuant to 40 CFR §264.148 and/or §265.148 and/or analogous State requirements.

Sincerely,

*L A Szuhay*

L. A. Szuhay  
Manager-Solid and Hazardous Waste  
Environmental Control

LAS/fh

cc: Ohio EPA

2273a



State Of Ohio Environmental Protection Agency



West District Office  
2110 E. Aurora Road; Twinsburg, Ohio 44087-1969

(216) 425-9171

Richard F. Celeste, Governor

June 16, 1986

RE: LTV STEEL CO.  
WARREN FACILITY  
TRUMBULL COUNTY  
#02-78-0184  
OHD 060-409-521

LTV Steel Company  
Warren Facility  
1040 Pine Avenue  
Warren, Ohio 44481

Attn: Robert J. Lannon, P.E.

Dear Mr. Lannon:

On May 28, 1986, I conducted a hazardous waste inspection of the LTV Steel Company, Warren Facility, located at 1040 Pine Avenue, Warren. You, Larry Szuhay and Soren Hansen represented this facility during the inspection. The facility was inspected for both State and Federal regulations for the handling of hazardous wastes.

The following violations were noted during this inspection:

1. The facility's Manager of Environmental Control, Bob Lannon, must be trained in hazardous waste management procedures as required by OAC 3745-65-16(A) and 40 CFR 265.16(a).
2. The facility's waste analysis plan must be revised to include analysis of the galvanized baghouse dust. The plan must also describe the appropriate analytical parameters, test methods, sampling methods and testing frequency for each of the facilities wastes as according to OAC 3745-65-13(A)(B) and 40 CFR 265.13(a)(b).
3. The facility is required to post, at all active portions of the facility, signs with the legend "Danger - Unauthorized Personnel Keep Out" as required by OAC 3745-65-14(c) and 40 CFR 265.14(c). These areas would include the galvanized baghouse area, all pickle liquor sump areas and the coking area.
4. The facility's written inspection plan is to be revised as required by OAC 3745-65-15 and 40 CFR 265.15. At a minimum the revisions shall include the following:
  - a) Inspection procedures and remedial actions in the galvanized baghouse dust area; documentation of the weekly inspection of the galvanized baghouse dust container storage areas (OAC 3745-66-74 and 40 CFR 265.174);

- b) Documentation of the inspection and remediation of the waste pickle liquor sump areas during tank truck loading and unloading operations including 3 PM - 11 PM and 11 PM - 7AM turns;
  - c) Documentation of the inspection and operation of waste pickle liquor pumps;
  - d) All inspections should be documented by signature or initials of personnel performing the inspection;
  - e) Document the inspection and remediation of the ramp unloading area during the transfer of the coal tar decanter sludge.
5. The facility is to provide for adequate aisle space in areas where galvanized baghouse dust containers are stored as required by OAC 3745-65-35 and 40 CFR 265.35.
6. The facility must document that appropriate arrangements have been made with all local and state emergency authorities including Holland Township Fire Department (OAC 3745-65-37(A) and 40 CFR 265.37(A)) and that a copy of the revised Contingency Plan has been submitted to them according to OAC 3745-65-53 (A)(B) and 40 CFR 265.53.
7. The Contingency Plan must be revised to include:
- a) Actions to be taken by personnel in the event of an emergency incident in the galvanized baghouse dust and coal tar decanter sludge areas;
  - b) Arrangements or agreements with local or state emergency authorities;
  - c) Names, home addresses and telephone numbers of all emergency coordinators under District Managers, according to OAC 3745-65-52 and 40 CFR 265.51.
8. The facility must maintain a written operating record complying with all sections of OAC 3745-65-73 and 40 CFR 265.73.
9. A copy of all manifests received by the facility must be kept on-site for at least three years as according to OAC 3745-65-71(A) and 40 CFR 265.71.
10. The facility's closure plan for all permitted storage units must be revised to include all appropriate sections of OAC 3745-66 and the closure plan rules of 40 CFR 265.

During the inspection the following items were discussed:

- 1) The facility has agreed to repair the curbing at the pickle liquor loading and unloading area at the regeneration plant sump to prevent spillages of pickle liquor from entering a storm sewer located near the loading/unloading area.

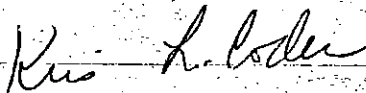
LTV Steel Co.  
June 16, 1986  
Page -3-

- 2) The facility has petitioned OEPA and this writer to consider the addition of water to the galvanize baghouse dust to optimize the handling control and storage of the dust. This issue will be brought to the attention of our technical staff in Columbus. In a similar manner, the issues involved in your May 5 letter concerning the AKJ process of recycling the coal tar sludge will be brought to their attention.

Please, within thirty (30) days of receipt of this letter, document in writing to my attention at the Northeast District Office compliance with the above-referenced violations (1-10) and item #1.

Please advise me if you have any questions.

Yours truly,



Kris L. Coder  
Environmental Scientist  
Division of Solid & Hazardous Waste Management

KLK:mjo

cc: Dave Sholtis, CO  
Tony Sasson, CO  
Soren Hansen, LTV Steel Co.

